



**AGENDA**  
**RIO DELL CITY COUNCIL**  
**CLOSED SESSION – 6:00 P.M.**  
**REGULAR MEETING – 6:30 P.M.**  
**TUESDAY, JUNE 4, 2013**  
**CITY COUNCIL CHAMBERS**  
**675 WILDWOOD AVENUE, RIO DELL**

*WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.*

**THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS**

A. CALL TO ORDER – 6:00 p.m.

B. ROLL CALL

C. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

- 1) 2013/0604.01 - CLOSED SESSION TO DISCUSS PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Pursuant to Government Code Section 54957  
Title: City Manager

D. PUBLIC COMMENT REGARDING CLOSED SESSION

E. RECESS INTO CLOSED SESSION

F. RECONVENE INTO OPEN SESSION – 6:30 p.m.

G. ORAL ANNOUNCEMENTS

H. PLEDGE OF ALLEGIANCE

I. CEREMONIAL MATTERS

- 1) 2013/0604.02 – Swearing in of Newly Appointed Planning Commissioner Carol Theuriet

## J. PUBLIC PRESENTATIONS

*This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.*

## K. CONSENT CALENDAR

*The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".*

- 1) 2013/0604.03 - Approve Minutes of the May 21, 2013 Regular Meeting (**ACTION**) 1
- 2) 2013/0604.04 - Approve Resolution No. 1201-2013 Approving and Accepting the Correction of the Grant Deed for the Monument Springs (APN 205-051-014) and Direct Staff to Record the Correction Grant Deed and Notice of Acceptance (**ACTION**) 11
- 3) 2013/0604.05 - Approve Resolution No, 1202-2013 Adopting the Gann Appropriations Limits for the year 2013-2014 (**ACTION**) 17
- 4) 2013/0604.06 - Approve Pay Request No. 15 to Wahlund Construction/Sequoia Construction Specialties in the Amount of \$42,826.75 for Work Related to the Wastewater Treatment Plant Upgrade and Disposal Project (**ACTION**) 24
- 5) 2013/0604.07 - Approve Property Tax Administrative Fee Settlement Agreement and Release with the County of Humboldt in the Amount of \$30,554.88 and Direct Mayor to Sign the Agreement (**ACTION**) 36
- 6) 2013/0604.08 - Approve Amendment to the GHD Engineering Agreement Designating Merritt Perry of GHD as City Engineer (**ACTION**) 43

## L. SPECIAL PRESENTATIONS

## M. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar

## N. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2013/0604.09 - Public Hearing/Introduction and First Reading (by title only) of Ordinance No. 301-2013 Amending the Non-Conforming Regulations, Section 17.30.160 of the Rio Dell Municipal Code (**ACTION**) 44
- 2) 2013/0604.10 - Public Hearing/Review Draft Circulation Element and Continue Consideration of the Draft Circulation Element to the Meeting of June 18, 2013 (**ACTION**) 58

O. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Chief of Police
3. Finance Director
4. Community Development Director

P. COUNCIL REPORTS/COMMUNICATIONS

Q. ADJOURNMENT

*The next regular meeting will be on June 18, 2013  
at 6:30 p.m. in City Hall Council Chambers*

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
MAY 21, 2013  
MINUTES**

The closed session/regular meeting of the Rio Dell City Council was called to order at 5:30 p.m. by Mayor Thompson.

**ROLL CALL:** Present: Mayor Thompson, Councilmembers Marks and Wilson

Absent: Councilmember Woodall (excused)

Others Present: (Closed Session): City Manager Stretch, Water/Roadways Superintendent Jensen and City Attorney Gans

(Regular Meeting): City Manager Stretch, Water/Roadways Superintendent Jensen, City Attorney Gans and City Clerk Dunham

Absent: Chief of Police Hill, Finance Director Beauchaine, Community Development Director Caldwell and Wastewater Superintendent Chicora (excused)

**ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:**

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Consider Initiation of Litigation Pursuant to Subdivision (c )of Section 54956.9: Potential Case (facts and circumstances not yet known to adverse party)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Consider Initiation of Legal Review and Potential Case (fact and circumstances known to adverse parties), Adverse Claims to 5.5 Acre City of Rio Dell Real Property Parcel Located off Monument Road (APN 205-041-014)

CLOSED SESSION TO DISCUSS PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Pursuant to Section 54957) Title: City Manager

**PUBLIC COMMENT REGARDING CLOSED SESSION**

There were no members of the public present to comment.

The Council recessed into closed session at 5:31 p.m.

The Council reconvened into open session at 6:30 p.m.

## **MAY 21, 2013 MINUTES**

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City Attorney Gans announced there were three (3) closed session items. With respect to the first item, no action was taken. On Item 2, a motion was made by Wilson/Johnson to commission the City Attorney to research and evaluate real property title issues pertaining to access and other rights incidental to the City's Monument Road Parcel (APN 205-041-014). Motion carried 4-0. Item 3 was continued to the next regular meeting.

### **CEREMONIAL MATTERS**

#### Proclamation Proclaiming May 2013 as Older Americans Month

Mayor Thompson read the proclamation then presented it to Victoria Einstein from Area I on Aging. She expressed her appreciation for the Council's support and said since 1980, Area I on Aging has brought government funded services to seniors including meals, long term care, legal services, nutritional training for care givers, and small amounts of emergency funding as well as many other needed services. She said while we are honoring our elders, the agency is also struggling to keep much needed funding; it is expected that that revenues will be reduced by \$43,000 over the next 5 months. She added that they have researched facts in attempt to make a plea to the government on how the budget cuts will affect elders and encouraged Council members to let legislators know how crucial the funding is to our seniors.

Councilmember Marks said she would like to recognize the presence of Art and Barbara Perra in the audience. She said they lived in Rio Dell for many years, had a business, and were very active in the community. They played a big part in shaping Rio Dell.

### **PUBLIC PRESENTATIONS**

Sharon Wolff addressed the Council and stated there was a lot of discussion back in February about establishing a Rental Housing Inspection Program and asked what the status is of that program. City Manager Stretch stated that staff is still in the process of inventorying properties; when that is complete the draft ordinance will come back to the Council for further discussion and a public hearing.

Chris Mobley from Eel River Disposal Co. provided a brief report on the Annual Spring Clean-Up Event that took place on May 11<sup>th</sup>. He reported there were a total of 22.54 tons of trash, wood, green waste and metal collected during the 4 hour event. He said except for a few complaints received from those who got turned away because the trucks were full, the event went very well. He said for some reason, there was a much better turnout than previous years.

Councilmember Wilson commented that the reason may be because of Scotia no longer accepting green waste.

## MAY 21, 2013 MINUTES

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Councilmember Marks asked if the materials from this event counts toward the City's waste diversion; Karen Smith, also present from Eel River Disposal Co. said that it is not factored into the formula.

Councilmember Marks commented that she self-hauled her waste to ERD and no one asked for her zip code; it was explained that they only survey where the trash is coming from between the 8<sup>th</sup> and the 14<sup>th</sup> during the last month of each quarter.

City Manager Stretch pointed out that the City sent out a city-wide mailer to notify citizens about the event which probably made a significant difference in the number of citizens who participated.

City Attorney Gans left the meeting at this time.

### CONSENT CALENDAR

Councilmember Marks asked that Item No. 1 *Approval of Minutes of the May 7, 2013 Regular Meeting* be removed from the consent calendar and placed under *Special Call Items* for separate discussion.

Motion was made by Johnson/Wilson to approve the consent calendar authorizing the Finance Director to sign and submit the Annual Transportation Development Act (TDA) Claim. Motion carried 4-0.

### SPECIAL PRESENTATIONS

#### City Engineer Project Status Report – Merritt Perry

City Engineer Merritt Perry provided the Council with a brief project update stating there are currently three (3) active projects they are working on: the Downtown Streetscape Improvement Project; the Safe Routes to School Project; and assistance with permitting requirements for the Water Infiltration Gallery.

He reported that the designs for the Downtown Streetscape Improvement Project and the Safe Routes to School are essentially complete and the projects will proceed along the same timeline. The advertisement for bids will go out the first week in June with construction to begin the first week in August, following Wildwood Days.

Mayor Thompson asked if the public was notified about the construction of the upcoming projects; City Engineer Perry said it had not been done but was a great suggestion. He said the City did a lot of public outreach during the design phase of the last downtown project.

City Manager Stretch said the City will take the lead in regard to public outreach.

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City Engineer Perry said the Safe Routes to School is a small project consisting of a lighted pedestrian crossing at the intersection of Wildwood Avenue and Center Street, a bulb-out at the existing trail crossing at Second Avenue and Davis St. and a sidewalk on the south side of Davis Street between Second and Third Avenues.

He said they are also working on the environmental documentation and regulatory permitting for the Water Infiltration Gallery maintenance, and a plan for perhaps some grading.

### **SPECIAL CALL ITEMS/COMMUNITY AFFAIRS**

#### Approval of Minutes of the May 7, 2013 Regular Meeting

Councilmember Marks pointed out a small correction to page 7 (last paragraph) of the minutes stating that she was referring to cars driving by; not motorcycles. City Clerk Dunham noted the correction.

Motion was made by Marks/Wilson to approve the minutes of the May 7, 2013 regular meeting as corrected. Motion carried 4-0.

#### Approve Agreement with GHD Inc. for CEQA, Permitting, and Biological Assessment for Emergency Riverbed Alterations Required for Water Infiltration Gallery during Low-Flow Conditions and Authorize the City Manager to Execute Documents

City Manager Stretch provided a staff report and explained this item is to ratify the City Manager's action to direct GHD to proceed with permitting requirements and biological assessments related to approval by the regulatory agencies for maintenance in the Eel River bed on the City's infiltration gallery. He said the gravel bar is gathering over the City's infiltration gallery and since time was of the essence to get the necessary work underway, he exercised his authority and authorized GHD to proceed. He said it is in his authority to commence public works projects of \$45,000 or less and this project is estimated well below that amount at \$25,000 to \$35,000.

Mayor Thompson asked for public comment regarding this matter; there was no public comment received.

Councilmember Marks asked for a project timeline; City Manager Stretch explained the process has begun and that the surveyor was out today.

City Engineer Perry said he was working with scientists to develop a plan and identify mitigation measures. He said hopefully a Negative Declaration won't be required because it will take more time and drive the cost up. He said he will be setting up a meeting with the various regulatory agencies.

Motion was made by Johnson/Wilson to ratify the City Manager/Public Works Director's action of 5-8-13 to direct the commencement of work by GHD on the permitting requirements and biological assessments related to approvals from the US Army Corp of Engineers, Regional Water Quality Control Board and the California Department of Fish and Game for maintenance in the Eel River bed on the City's infiltration gallery; and authorize the City Manager to execute any application, agreement, permit or other necessary document related to this matter. Motion carried 4-0.

Authorize the City Manager to Sign and Submit Local Agency Construction Administration Checklist and the Request for Approval of Cost Effectiveness/Public Interest Finding Related to the Wildwood Ave. Pedestrian and Landscape Project Documents

City Manager Stretch provided a staff report and explained that projects such as this that are funded with State and Federal funds require certain findings and certifications. The first finding is that the project is in the public interest, and the second finding is that it is cost effective for PG&E to furnish the electrical service to the Town Clock and the Welcome Sign. City Manager Stretch commented the second document to be signed is the Local Agency Construction Contract Administration Checklist to acknowledge that the City is informed of and will follow the checklist of contract requirements.

Councilmember Marks questioned the status of advertising for bids; City Manager Stretch said he will be asking for Council authorization to go out to bid under a separate agenda item.

Motion was made by Marks/Johnson to authorize the City Manager to sign and submit 1) Local Agency Construction Administration Checklist; and 2) the Request for Approval of Cost Effectiveness/Public Interest Finding. Motion carried 4-0.

Provide Staff Direction to Research and Prepare Options for the Development of a Strategy to Meet the Impending State (2020) 75% Solid Waste Diversion Requirement

City Manager Stretch provided a staff report and said a letter was received from CalRecycle informing the City that its 2007-2011 waste stream diversion was compliant with AB 939 requirements set at 50% diversion. He explained that had the requirement not been met, the City could have been subject to a fine of up to \$10,000 per day. He said the letter also stated that the State requirement is set to increase to 75% by the year 2020 which will be very challenging. He said it seems the City needs to get serious about developing a strategy for implementation of the new mandate.

City Manager Stretch suggested the Council direct the City Manager to work with Eel River Disposal to develop a strategy and prepare options for Council consideration. He said with Council's direction he will add the item to his Work Plan for 2013-2014. He said it will be important to engage the public in the process.

Mayor Thompson asked for public comment on the matter.

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Carol Theuriet asked for clarification that what they are saying is that based on what is now being put into the waste stream; the amount diverted must be increased by 25%. She asked how the City is going to get people to basically not throw away trash, and asked if it is possible to go to the State and ask for an exception if it is not possible to achieve that goal.

City Manager Stretch commented that the AB939 is a State mandate/law.

Chirs Mobley, ERD explained that anything that doesn't go to the landfill goes toward the City's diversion rate. He noted there are many options available; it just depends on how far the City wants to go.

Mike Chase commented that the recycle bins at City Hall are always full and said one option might be to have more bins.

Chris Mobley said people are using the bins to dump household garbage and commercial waste and said there needs to be more curbside recycling. He said another option is to implement a green waste program.

Councilmember Johnson asked if there are any provisions contained in AB939 that address growth in the community, particularly commercial growth. City Manager Stretch said he does not recall such a provision but agreed to research the legislation further.

Councilmember Wilson said if he understands the calculations correctly you take the total amount of waste taken to the landfill in 2011 and subtract that total from what is taken to the landfill in 2012 and that is the amount of diversion.

Karen Smith, ERD said there was a base line established in 2007.

Councilmember Wilson commented that only 41% of Rio Dell's residents subscribe to curbside garbage/recycling collection and asked how it will help if that number increases.

It was pointed out that whether someone has service or not they still have to go to the dump to get rid of their garbage.

Chris Mobley noted that when a customer signs up for garbage service, they automatically get the recycling tote which helps to increase the diversion rate. He said public outreach is very important.

Discussion continued regarding the method of calculating the amount of diversion.

Councilmember Wilson asked: "does the amount of recycling versus the amount of waste picked up count toward the diversion rate?" Chris Mobley answered that it does not.

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City Manager Stretch commented that the basis for coming up with the diversion number does not make sense.

Chris Mobley commented that commercial users and multi-unit property owners need to get on board.

Councilmember Johnson said it seems what is really needed is a profile of the City's waste to determine the amount of garbage versus green waste versus recycling.

Chris Mobley said that HWMA actually did conduct a waste audit.

Councilmember Marks commented that the white bag program is not factored in and that there are a number of seniors that purchase the bags because they generate such a small amount of garbage. Essentially they have service, they simply pay up front.

Motion was made by Wilson/Johnson to direct the City Manager to research and prepare options for the development of a strategy to meet the impending State (2020) 75% solid waste diversion requirement. Motion carried 4-0.

Authorize the City Manager to Advertise for Bids for (2) Projects; the Wildwood Ave. Downtown Streetscape Improvement Project and the Davis and Wildwood Ave. Safe Routes to School

City Manager Stretch provided a staff report and stated the plans and specifications for the Wildwood Ave. Downtown Streetscape Improvement Project and the Safe Routes to School Project are essentially complete. He reviewed the anticipated schedules for completion of the projects and asked for authorization to advertise for bids once the City receives the Notice to Proceed from CalTrans.

Carol Theuriet asked if there is anything that could potentially delay the projects; City Manager Stretch stated that the funding is in place, agreements have been signed and everything is ready to go.

Councilmember Johnson asked if the community was engaged during the design phase of each project and if there was any public input.

City Engineer Perry commented there was a lot of public outreach by the former City Manager including several public meetings and actual door-to-door contact with citizens.

Councilmember Wilson said the Downtown Streetscape Project has had more opportunity for public response than any other project during his time on the City Council.

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Councilmember Johnson referred to the plans and specs for the Downtown Streetscape Project and had a number of questions regarding the specifications.

City Engineer Perry said if there are a lot of detailed comments he will be happy to stay after the meeting is adjourned and go over the plans in more detail with Councilmember Johnson.

City Manager Stretch said provided none of Councilmember Johnson's concerns are substantive enough to preclude the City from going out to bid on the project, he would suggest they go over his questions at the end of the meeting.

Councilmember Marks asked if GHD will be preparing the bid documents and said in previous bid documents, it read "should" rather than "must." City Engineer Perry commented that it was not GHD who prepared the bid documents she is referring to and said he is very familiar with the language in bid documents and paid close attention in preparing them to avoid any potential problems.

Motion was made by Marks/Wilson to authorize the City Manager to advertise for bids for two projects; the Wildwood Ave. Downtown Streetscape Improvement Project and the Davis and Wildwood Avenue Safe Routes to School Project. Motion carried 4-0.

Appointment for Vacancy on the Rio Dell Planning Commission for Remainder of Term Ending December 31, 2015

City Manager Stretch provided a brief staff report and stated that Carol Theuriet is the only applicant wishing to be considered for appoint and as such, the Council can simply forego balloting and approve the appointment; or direct staff to post a Notice of Vacancy extending the application period.

Councilmember Marks stated that Carol was interviewed for the City Council vacancy and proved to be a good candidate.

Motion was made by Marks/Johnson to approve the appointment of Carol Theuriet to the Rio Dell Planning Commission to fill the unexpired term ending December 31, 2015. Motion carried 4-0.

City Manager Stretch noted the swearing in will take at the next regular City Council meeting.

Approve Appointments of City Councilmember Assignments to Various Boards, Committees, Commissions and JPA's

Mayor Thompson reviewed his recommended changes to the existing assignments.

Motion was made by Wilson/Johnson to approve the appointments of City Councilmember assignments to the various boards, committees, commissions and JPA's as follows:

	<u>Appointee</u>	<u>Alternate</u>
• Humboldt County Association of Government (HCAOG)	Johnson	Thompson
• Humboldt County Convention & Visitors Bureau	Marks	Woodall
• Humboldt Waste Management Authority (HWMA)	Thompson	Johnson
• Humboldt Transit Authority (HTA)	Woodall	Thompson
• League of California Cities (Redwood Empire Division)	Johnson	Woodall
• Redwood Region Economic Development Commission	Wilson	Johnson
• Redwood Coast Energy Authority	Wilson	Marks
• Humboldt/Del Norte Hazardous Response Authority	Woodall	Thompson

#### Internal Committees

• Traffic Committee	Marks	Wilson
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Motion carried 4-0.

### **COUNCIL REPORTS/COMMUNICATIONS**

Mayor Thompson commented that training on the Brown Act and Ethics Training has most likely expired for public officials; staff agreed to research expiration dates and to provide information on upcoming trainings.

City Manager Stretch said the League of California Cities offers trainings and offers specific training for new City Council members. He said if the Council is interested, he will get information on upcoming trainings. He said another approach is to arrange for City Attorney Gans to provide training on the Brown Act. He indicated that the training through the League of California Cities is much more costly however it does allow Council members to develop a network which can be very beneficial. He said he will contact the League with training dates and costs.

### **REPORTS/STAFF COMMUNICATIONS**

City Manager Stretch reported on recent activities in the city manager department and said the City recently renewed its membership with the League of California Cities which is good. He said there are currently a number of items at the State level happening and it is important to have an advocacy group looking out for the City's best interest. He said he recently attended the North Coast chapter of the League and it was a very good meeting. He said he would encourage the City's representative to attend the local meetings.

On behalf of Chief Hill, City Manager Stretch then reported on recent activities in the police department and said with regard to the Animal Control Agreement with the City of Fortuna, 9 animals were transported for a total cost for the past 7 months of \$1,800; compared to \$17,500 if

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the City had continued contract services with Miranda's Animal Shelter; Sergeant Wiener attended Homicide Investigation Training which was an excellent training; the Circus which took place over the weekend went off without a hitch in spite of the warnings there would be protesters picketing the event; said he and the Chief met to discuss the river bar access and drafted a work program to identify responsibilities; and announced there will be a DUI check point in Rio Dell on Friday night.

Councilmember Marks stated that she noticed in the check register that a payment was made to the City's auditors and asked if the audit was close to being completed; City Manager Stretch said the audit is almost done and staff will be scheduling a date for an audit presentation very soon.

Carol Theuriet announced that she had contacted the Times-Standard and provided them with the current City Council organization.

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 7:55 p.m. to the June 4, 2013 regular meeting.

Attest:

\_\_\_\_\_  
Jack Thompson, Mayor

\_\_\_\_\_  
Karen Dunham, City Clerk



For Meeting of: June 4, 2013

To: City Council

From: Kevin Caldwell, Community Development Director

Through:  Jim Stretch, City Manager

Date: May 23, 2013

Subject: Correction Deed; Certificate of Acceptance  
Monument Springs Parcel; APN 205-041-014

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**Recommendation:**

That the City Council:

1. Approve and adopt Resolution 1202-2013 approving and accepting the correction of the legal description in the 1969 deed from the Rio Dell Water Company to the City;
2. Direct staff to record the Correction Grant Deed and Certificate of Acceptance;

**Background:**

In 1969 the City purchased the Rio Dell Water system for Julio J. Rovai and Melba G. Rovai, his wife and Louis J. Rovai and Mary Rovai, his wife. The sale was documented in the General Deed and Bill of Sale recorded on December 30, 1969 in Book 1026, Page 445, Humboldt County Official Records. Staff has discovered an error in the deed that describes the Monument Springs parcel, APN 205-041-014. The error is the omission of the bearings and distance of one course. Staff had Correction Deed prepared to correct the error. See **Attachment 1**. The

omitted course is in *italics* and reads: ***thence South 6 degrees 08 minutes West 78 feet.*** Staff attempted to record the Correction Deed, but the County Recorder's office indicated that although the document is a Correction Grant Deed, a Certificate of Acceptance is required as well. Staff has prepared the Resolution and the Certificate of Acceptance. See Attachments 2 and 3.

Attachment 1: Correction Grant Deed

Attachment 2: Resolution No. 1202-2013

Attachment 3: Certificate of Acceptance

This instrument is for the benefit of the City of Rio Dell

**Recording Requested by:**  
City of Rio Dell  
Community Development Department

**Return to:**  
City of Rio Dell  
675 Wildwood Avenue  
Rio Dell, CA. 95562

 COPY

### CORRECTION GRANT DEED

The undersigned grantor(s) declare(s) Documentary transfer tax is \$0.00, City Tax is \$0.00

- ☐ computed on full value of property conveyed, or  
☐ computed on full value less value of liens or encumbrances remaining at time of sale,  
☒ Unincorporated Area

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

The City of Rio Dell, a municipal corporation, successor in interest to City of Rio Dell, California, Municipal Water corporation, a California nonprofit corporation

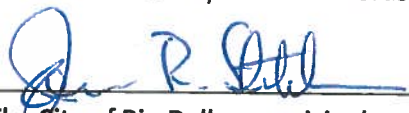
hereby grants to

The City of Rio Dell, a municipal corporation, the following described real property in the County of Humboldt, State of California:

-SEE LEGAL DESCRIPTION (EXHIBIT A) ATTACHED HERETO AND MADE A PART HEREOF-

This Deed is being recorded to correct an error in the legal description in Deed recorded December 30, 1969 in Book 1026, page 445, Humboldt County Official Records.

Dated MAY 20, 2013

  
The City of Rio Dell, a municipal corporation  
James R. Stretch, City Manager

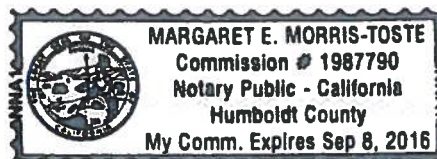
State of California  
County of Humboldt

On MAY 20, 2013 before me, MARGARET E. MORRIS-TOSTE, NOTARY PUBLIC  
personally appeared James R. Stretch who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



ATTACHMENT 1

**EXHIBIT A  
LEGAL DESCRIPTION**

That certain real property situated in the State of California, County of Humboldt, described as follows:

That portion of the Northeast Quarter of Southwest Quarter and of the Northwest Quarter of Southeast Quarter of Section 12 in Township 1 North, Range 1 West, Humboldt Meridian, described as follows:

**BEGINNING** at a point 314 feet North and 1495.9 feet West of the Southeast corner of the Northwest Quarter of Southeast Quarter of aforesaid Section; and running

thence North 1 degree 15 minutes East 76 feet to a point;  
thence North 43 degrees 15 minutes East 169.3 feet to a point on the East side of a roadway;  
thence North 66 degrees 29 ½ minutes East 162 feet to a point;  
thence North 63 degrees 3 minutes East 73.5 feet to a point;  
thence across aforesaid roadway North 3 degrees 57 minutes East 189.5 feet to a point;  
thence North 54 degrees 56 minutes West 139 feet to a point;  
thence North 48 degrees 26 ½ minutes West 188.8 feet to an iron pipe set on the face of a steep bluff;  
thence South 12 degrees 13 ½ minutes West 323.4 feet to a point;  
thence South 6 degrees 20 ½ minutes West 107.8 feet to a point;  
thence South 36 degrees 48 minutes West 245.5 feet to a point;  
thence South 1 degree 36 minutes West 100.4 feet to a point;  
*thence South 6 degrees 08 minutes West 78 feet;*  
thence across aforesaid roadway South 51 degrees 45 minutes West 67.9 feet to a point;  
thence South 82 degrees 25 minutes West 47.1 feet to a point;  
thence leaving said roadway South 55 degrees 15 minutes West 80 feet to a point;  
thence due South 66 feet, more or less, to the South line of the Northeast Quarter of Southwest Quarter and of the Northwest Quarter of Southeast Quarter of aforesaid Section;  
thence from said line in an Easterly direction 487 feet to a point; and  
thence North 31 degrees 45 minutes West 323 feet, more or less, to the point of beginning.

**APN 205-041-014**

RESOLUTION NO. 1202 – 2013



RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL APPROVING AND  
ACCEPTING THE CORRECTION GRANT DEED FOR THE MONUMENT SPRINGS  
PARCEL, ASSESSOR PARCEL NUMBER 205-051-014:

**WHEREAS** in 1969 the City purchased the Rio Dell Water system for Julio J. Rovai and Melba G. Rovai, his wife and Louis J. Rovai and Mary Rovai, his wife; and

**WHEREAS** the sale was documented in the General Deed and Bill of Sale recorded on December 30, 1969 in Book 1026, Page 445, Humboldt County Official Records; and

**WHEREAS** staff has discovered an error in the deed that describes the Monument Springs parcel, APN 205-041-014; and

**WHEREAS** the error is the omission of the bearings and distance of one course; and

**WHEREAS** staff had Correction Deed prepared to correct the error; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rio Dell approves the recordation of the Correction Grant and Certificate of Acceptance and authorizes the City manager to execute all necessary documents.

**I HEREBY CERTIFY** that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the City Council of the City of Rio Dell on June 4, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. 1202-2013 passed and adopted by the City Council of the City of Rio Dell on June 4, 2013.

\_\_\_\_\_  
Karen Dunham, City Clerk, City of Rio Dell

**City of Rio Dell**  
**Certificate of Acceptance**

This is to certify that the interest in the real property conveyed by the Correction Grant Deed dated May 20, 2013 from the City of Rio Dell, a municipal corporation to the City of Rio Dell, a municipal corporation correcting an error in the legal description in the Deed recorded December 30, 1969 in Book 1026, Page 445, Humboldt County Official Records is hereby accepted by order of the undersigned officer on behalf of the City of Rio Dell pursuant to the authority conferred by Resolution No. 1202-2013, dated June 4, 2013.

Dated \_\_\_\_\_

\_\_\_\_\_  
**James R. Stretch, City Manager**  
**City of Rio Dell**


---


675 Wildwood Avenue  
Rio Dell, Ca 95562  
(707) 764-3532



**CITY OF RIO DELL  
STAFF REPORT  
CITY COUNCIL AGENDA  
June 4, 2013**

TO: Mayor and Members of the City Council

THROUGH: Jim Stretch,  City Manager

FROM: Stephanie Beauchaine, Finance Director 

DATE: May 23, 2013

SUBJECT: Gann Appropriations Limits for the year 2013-2014

**RECOMMENDATIONS**

Adopt Resolution No. 1203 -2013 adopting the Gann Appropriations Limit for the year 2013-2014

**BACKGROUND AND DISCUSSION**

Article XIII B of the California State Constitution, more commonly referred to as the Gann Initiative or Gann Appropriations Limit, was adopted by California voters in 1980 and placed limits on the amount of proceeds of taxes that state and local governmental agencies can appropriate and spend each year.

The limit is different for each agency and changes every year. The limit each year is based on the amount of tax proceeds that were authorized to be spent in Fiscal Year 1978-1979 in each agency and is modified for changes in inflation and population in each subsequent year. Inflationary adjustments are, by law, based on increases in the California per capita income or the increase in non-residential assessed valuation due to new construction. Population adjustments are based on city population growth or county population growth. The annual adjustment factors used in making this calculation are the cost of living adjustment-CPI based on the percentage change in California per capita income and the population adjustment based on the annual population change for the City.

The Appropriations Limit for fiscal year 2013-2014 is \$1,141,842.91. This is the maximum amount of tax proceeds the City will be able to appropriate and spend this fiscal year.

For fiscal year 2013-2014, the City of Rio Dell's estimated tax proceeds to be received, as well as tax proceeds appropriated by the City Council total \$627,217, which continues to be well under the legal limit.

Section 9710 of the State Government code, added in 1980 by the State Legislature, requires a governing body to annually adopt, by resolution, an Appropriations Limit each year.

Attachment: Gann Appropriations Limit Calculation

**RESOLUTION NO. 1203-2013**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF RIO DELL  
ADOPTING GANN APPROPRIATIONS LIMIT  
FOR THE YEAR 2013-2014**

**WHEREAS**, the voters of the State of California in November 1979 approved Proposition 4, commonly known as the Gann Initiative; and

**WHEREAS**, the Proposition created Article XIII B of the California State Constitution placing limits on the amount of revenue which can be spent by all entities of the government within the State; and

**WHEREAS**, these limits require a municipality to determine an appropriations limit each year in accordance with a formula set forth by state law; and

**NOW, THEREFORE BE IT RESOLVED**, the City Council of the City of Rio Dell hereby adopts the Gann Appropriations limit of \$1,141,842.91 for year 2013-2014.

**I HEREBY CERTIFY** that the foregoing Resolution was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 4th day of June, 2013 by the following vote:

AYES:

NOES:       None

ABSENT:     None

ABSTAIN:    None

\_\_\_\_\_  
Jack Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Karen Dunham, City Clerk

Appropriations Limit Calculation  
2013-2014

Prior Years Appropriations Limit	<u>\$ 1,081,361.91</u>
Adjustmentn Factors for the current year	
Population Change	1.0045
Inflation	<u>1.0512</u>
Total Adjustment	1.0559
2010-2011 Appropriations Limit	<u><u>\$ 1,141,842.91</u></u>



**DEPARTMENT OF  
FINANCE**  
OFFICE OF THE DIRECTOR

EDMUND G. BROWN JR. • GOVERNOR  
STATE CAPITOL ■ ROOM 1145 ■ SACRAMENTO CA ■ 95814-4998 ■ WWW.DOF.CA.GOV

May 2013

Dear Fiscal Officer:

**Subject: Price and Population Information**

**Appropriations Limit**

The California Revenue and Taxation Code, section 2227, mandates the Department of Finance to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2013, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2013-14. Attachment A provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2013-14 appropriations limit. Attachment B provides city and unincorporated county population percentage change. Attachment C provides population percentage change for counties and their summed incorporated areas. The population percentage change data excludes federal and state institutionalized populations and military populations.

**Population Percent Change for Special Districts**

Some special districts must establish an annual appropriations limit. Consult the Revenue and Taxation Code section 2228 for further information regarding the appropriations limit. Article XIII B, section 9(C), of the State Constitution exempts certain special districts from the appropriations limit calculation mandate. The Code and the California Constitution can be accessed at the following website:  
<http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this issue should be referred to their respective county for clarification, or to their legal representation, or to the law itself. No state agency reviews the local appropriations limits.

**Population Certification**

The population certification program applies only to cities and counties. Revenue and Taxation Code section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2013.**

**Please Note:** Prior year's city population estimates may be revised.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

ANA J. MATOSANTOS

Director

By:

MICHAEL COHEN  
Chief Deputy Director

Attachment

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost of living factor to compute their appropriation limit by a vote of their governing body. The cost of living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the fiscal year 2013-14 appropriation limit is:

Per Capita Personal Income	
Fiscal Year (FY)	Percentage change over prior year
2013-14	5.12

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2013-14 appropriation limit.

**2013-14:**

Per Capita Cost of Living Change = 5.12 percent  
Population Change = 0.79 percent

Per Capita Cost of Living converted to a ratio:  $\frac{5.12 + 100}{100} = 1.0512$

Population converted to a ratio:  $\frac{0.79 + 100}{100} = 1.0079$

Calculation of factor for FY 2013-14:  $1.0512 \times 1.0079 = 1.0595$

**Attachment B**  
**Annual Percent Change in Population Minus Exclusions\***  
**January 1, 2012 to January 1, 2013 and Total Population, January 1, 2013**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total</u>
	2012-2013	1-1-12	1-1-13	1-1-2013
Humboldt				
Arcata	0.38	17,769	17,836	17,836
Blue Lake	0.32	1,256	1,260	1,260
Eureka	0.12	26,988	27,021	27,021
Ferndale	0.15	1,364	1,366	1,366
Fortuna	0.27	11,853	11,885	11,885
Rio Dell	0.45	3,348	3,363	3,363
Trinidad	0.27	364	365	365
Unincorporated	0.49	71,564	71,914	72,113
County Total	0.37	134,506	135,010	135,209

\*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

675 Wildwood Avenue  
Rio Dell, CA 95562



TO: Mayor and Members of the City Council  
THROUGH: Jim Stretch, City Manager  
FROM: Stephanie Beauchaine, Finance Director *SB*  
DATE: May 29, 2013  
SUBJECT: Wahlund/Sequoia Construction Pay Request #15

#### **RECOMMENDATION**

Approve Pay Request

#### **BUDGETARY IMPACT**

Pay Request #15 in the amount of \$42,826.75 will be funded through the State Water Resources Control Board (SWRCB) financing agreement project number C-06-7401-110 totaling \$12,980,859.

#### **BACKGROUND AND DISCUSSION**

Pay Request #15 has been approved for payment by the City's Construction Manager and City Manager.

BEHRENS CONSTRUCTION AND INSPECTION SERVICES

170 South Bank Chetco River Road

Brookings, OR 97415-8288

(707) 696-4650

rbehrens@rbehrens.org

To: Rio Dell City Council  
Jim Stretch, City Manager  
Stephanie Beauchaine, Finance Director  
Rick Chicora, Wastewater Superintendent

From: Richard Behrens, Construction Manager

Date: 05/29/2013

Project Name: **Wastewater Treatment Plant Upgrade and Disposal Project**

The WWTP project is now into the fifteenth month of progress. The contractor has completed all phases of the bio-tank processes, the Chlorine Contact Basin and Effluent Pumping Station. The Aqua Sierra control system is installed and operational. Work is nearing completion the disposal site. The transmission line is complete from the river crossing to the treatment plant and pavement patching is nearly complete. The Therma-Flite sludge dryer system has been completed and is in operation, in testing mode. Underground piping and valves have been installed and the plant switchover is complete and in operation. The Blower Building is complete and in operation. Electrical/mechanical systems are nearly complete and cut-over of existing electrical systems is nearing completion. Construction of the new Operations Building has begun. Demolition of existing process piping and pumps has begun. The under-river transmission line application has been submitted to CalTrans, who has begun their response. Review by the State Lands Commission will be scheduled upon satisfaction of CalTrans and City requirements for Environmental Review requirements. Wahlund has provided, at no cost, the leaching pond which will be used until the under-river transmission line has been approved and installed.

Progress Payment Request No. 15 is attached. This pay request is based on the bid schedule breakdown provided by the contractor, Wahlund Construction, Inc./ Sequoia Construction Specialties, and the actual quantities of work completed and materials delivered to site.

There have been four approved Change Orders completed to date, totaling an amount of \$48,312.65. The adjusted contract amount to date is \$10,679,312.65. The total billed (net amount) thru Progress Pay Request No. 15, less retainer, is \$8,298,469.84.

I recommend payment to Wahlund Construction, Inc./ Sequoia Construction Specialties for Progress Pay Request No. 15 in the amount of \$42,826.75, that also takes into account a 5% retention. Payment to the contractors is due within 20 days of receipt of each Application for Payment. Progress Payment Request No. 15 was received (approved) 05/29/2013.

cc:

Craig Olson, HDR Inc.

Bret Rinehart, Wahlund Construction, Inc.

Brian Pritchard, Sequoia Construction Specialties

**Progress Payment Summary**

Owner: City of Rio Dell  
Project Title: Rio Dell Wastewater Treatment Plant  
Upgrade and Disposal

Job #: 24-11  
Payment #: 15  
Period Ending: 31-May-13

**1. Analysis of Authorized Contract Amount to Date**

a. Authorized Contract Work Amount	\$ 10,631,000.00
b. Total Change Orders Work Amount	\$ 48,312.65
<b>c. Adjusted Contract Amount to Date</b>	<b>\$ 10,679,312.65</b>

**2. Analysis of Work Performed**

a. Contract and Change Orders Performed to Date	\$ 8,735,231.41
b. Retainer, 5%	\$ 436,761.57
c. Net Contract Work to Date	\$ 8,298,469.84
d. Previous Billed	\$ 8,255,643.09
<b>e. Balance Due This Period</b>	<b>\$ 42,826.75</b>

**3. Certification of Contractor**

According to the best of my knowledge and belief, I certify that all items and amounts shown on the Schedule of Values are correct; that all work has been performed and/or material supplied in full accordance with the requirements of the referenced Contract, and/or duly authorized deviations, substitutions, alterations, and/or additions.

All previous progress payments received on account of the Work have been applied on account to discharge Contractor's legitimate obligations associated with prior Applications for Payment.

Wahlund Construction, Inc.,/  
Sequoia Construction Specialties  
Contractor

*Ken Wahlund*  
Authorized Representative

Date: 5/25/2013 Title: Joint Venture Administrator

**4. Certification of Construction Manager**

I certify that I have checked and verified the above and foregoing Schedule of Values; that to the best of my knowledge and belief it is a true and correct statement of work performed and/or material supplied by the Contractor; that all work and/or material included in this Progress Payment Summary has been inspected by me and/or my duly authorized representative or assistants and that it has been performed and/or supplied in full accordance with the requirements of the referenced contract; and that the payment due to the Contractor is correctly computed on the basis of work performed and/or material supplied to date.

*[Signature]*  
Construction Manager

Date: 5/29/13

**5. Approval for Payment**

*[Signature]*  
City Manager

Date: 5/29/13

5/28/2013

# WAHLUND CONSTRUCTION, INC./ SEQUOIA CONSTRUCTION SPECIALTIES

*A Joint Venture*

License No. 855844

Eureka Office: 707-268-0150 Fax: 707-268-0137

## Rio Dell Wastewater Treatment Plant Upgrade and Disposal Project HDR Project No. 152932

To: City of Rio Dell

675 Wildwood Avenue

Rio Dell, California 95562

Pay Request No.: 15

Period Ending: 05/31/13

Item	Description of Item	Qty	Unit	Unit Cost	Total Cost	Previous		This Period		Total To Date	
						Qty	\$	Qty	\$	Qty	\$
1	<b>Bid Item 1</b>										
	Sheeting, shoring and bracing or equivalent method conforming to applicable safety order.	1	LS	\$ 5,000.00	\$ 5,000.00	100%	\$ 5,000.00	0%	\$ -	100%	\$ 5,000.00
				<b>Bid Item 1 Total</b>	<b>\$ 5,000.00</b>		<b>\$ 5,000.00</b>		<b>\$ -</b>		<b>\$ 5,000.00</b>
2	<b>Bid Item 2</b>										
	Over-excavation and disposal of undesirable material and compaction of fill material under biological treatment facility as defined in Section 02200 of the specifications.	2,500	CY	\$ 35.00	\$ 87,500.00	2,500	\$ 87,500.00	0	\$ -	2,500	\$ 87,500.00
				<b>Bid Item 2 Total</b>	<b>\$ 87,500.00</b>		<b>\$ 87,500.00</b>		<b>\$ -</b>		<b>\$ 87,500.00</b>
3	<b>Bid Item 3</b>										
	14- inch recycled water pipeline from Station 1+50 (+/-) to Station 101+50 (+/-), including all appurtenances as required to complete work.	10,000	LF	\$ 108.00	\$ 1,080,000.00	10,000	\$ 1,080,000.00	0.00	\$ -	10,000	\$ 1,080,000.00
				<b>Bid Item 3 Total</b>	<b>\$ 1,080,000.00</b>		<b>\$ 1,080,000.00</b>		<b>\$ -</b>		<b>\$ 1,080,000.00</b>
4	<b>Bid Item 4</b>										
	Recycled water pipeline from Station 101+50 (+/-) to Station 201+50 (+/-), including all work in Caltrans right-of-way.	1	LS	\$ 1,500,000.00	\$ 1,500,000.00	0%	\$ -	0%	\$ -	0%	\$ -
				<b>Bid Item 4 Total</b>	<b>\$ 1,500,000.00</b>		<b>\$ -</b>		<b>\$ -</b>		<b>\$ -</b>
5	<b>Bid Item 5</b>										
	All work at disposal site on north side of Eel River outside of Caltrans right-of-way.										
5.1	Site Cleaning	1	LS	\$ 15,000.00	\$ 15,000.00	100%	\$ 15,000.00	0%	\$ -	100%	\$ 15,000.00
5.2	Earthwork	1	LS	\$ 289,475.00	\$ 289,475.00	99%	\$ 286,580.25	1%	\$ 2,894.75	100%	\$ 289,475.00
5.3	Distribution and Turnout Boxes	1	LS	\$ 15,000.00	\$ 15,000.00	100%	\$ 15,000.00	0%	\$ -	100%	\$ 15,000.00
5.4	Precast Concrete Pump Station	1	LS	\$ 28,000.00	\$ 28,000.00	100%	\$ 28,000.00	0%	\$ -	100%	\$ 28,000.00
5.5	Pump Station Base & Equipment Pad	1	LS	\$ 6,825.00	\$ 6,825.00	100%	\$ 6,825.00	0%	\$ -	100%	\$ 6,825.00
5.6	Overflow Valve Concrete Pads	1	LS	\$ 20,475.00	\$ 20,475.00	100%	\$ 20,475.00	0%	\$ -	100%	\$ 20,475.00
5.7	Hydroseeding	1	LS	\$ 54,059.25	\$ 54,059.25	100%	\$ 54,059.25	0%	\$ -	100%	\$ 54,059.25
5.8	Submersible Non-Clog Tailwater Pumps	1	LS	\$ 32,386.10	\$ 32,386.10	97.73%	\$ 31,651.98	0.00%	\$ -	97.73%	\$ 31,651.98
5.9	REW Piping	1	LS	\$ 150,000.00	\$ 150,000.00	97.81%	\$ 146,717.52	0.00%	\$ -	97.81%	\$ 146,717.52
5.10	DFD Piping	1	LS	\$ 145,000.00	\$ 145,000.00	100%	\$ 145,000.00	0%	\$ -	100%	\$ 145,000.00
5.11	Tailwater Pump Piping - Material	1	LS	\$ 20,002.50	\$ 20,002.50	100%	\$ 20,002.50	0%	\$ -	100%	\$ 20,002.50

5.12	Tailwater Pump Piping - Labor	1	LS	\$ 7,381.50	\$ 7,381.50	100%	\$ 7,381.50	0%	\$ -	100%	\$ 7,381.50
5.13	Tailwater Pump Installation per D04	1	LS	\$ 6,460.65	\$ 6,460.65	75%	\$ 4,845.49	25%	\$ 1,615.16	100%	\$ 6,460.65
5.14	HOG Bar Grating 2x per 1/D03	1	LS	\$ 2,625.00	\$ 2,625.00	100%	\$ 2,625.00	0%	\$ -	100%	\$ 2,625.00
5.15	PVC Stilling Well per D04	1	LS	\$ 2,310.00	\$ 2,310.00	100%	\$ 2,310.00	0%	\$ -	100%	\$ 2,310.00
				Bid Item 5 Total			\$ 795,000.00		\$ 4,509.91		\$ 790,983.40
6	Bid Item 6										
	All work as required per the MMRP as outlined in Specification Section 01560.	1	LS	\$ 70,000.00	\$ 70,000.00	90%	\$ 63,000.00	5%	\$ 3,500.00	95%	\$ 66,500.00
				Bid Item 6 Total			\$ 63,000.00		\$ 3,500.00		\$ 66,500.00
7	Bid Item 7										
	Storm Water Pollution Prevention Plan and Implementation per Specification Section 02271.	1	LS	\$ 10,500.00	\$ 10,500.00	90%	\$ 9,450.00	5%	\$ 525.00	95%	\$ 9,975.00
				Bid Item 7 Total			\$ 9,450.00		\$ 525.00		\$ 9,975.00
8	Bid Item 8										
	All other work as indicated on the project plans and defined in the project specifications.										
8.1	Bidding Requirements										
8.1.1	Performance & Payment Bond	1	LS	\$ 82,000.00	\$ 82,000.00	100%	\$ 82,000.00	0%	\$ -	100%	\$ 82,000.00
8.1.2	Insurance	1	LS	\$ 88,000.00	\$ 88,000.00	100%	\$ 88,000.00	0%	\$ -	100%	\$ 88,000.00
				Bidding Requirements Total			\$ 170,000.00		\$ -		\$ 170,000.00
8.2	General Requirements										
8.2.1	Mobilization	1	LS	\$ 156,250.00	\$ 156,250.00	100%	\$ 156,250.00	0%	\$ -	100%	\$ 156,250.00
8.2.2	Demobilization	1	LS	\$ 25,000.00	\$ 25,000.00	0%	\$ -	0%	\$ -	0%	\$ -
8.2.3	Plumbing Mobilization	1	LS	\$ 21,000.00	\$ 21,000.00	100%	\$ 21,000.00	0%	\$ -	100%	\$ 21,000.00
8.2.4	Field Engineering & Surveying	1	LS	\$ 10,000.00	\$ 10,000.00	98%	\$ 9,800.00	0%	\$ -	98%	\$ 9,800.00
8.2.5	Administration Requirements	1	LS	\$ 252,000.00	\$ 252,000.00	77.78%	\$ 196,000.00	5.56%	\$ 14,000.00	83.33%	\$ 210,000.00
8.2.6	Construction Schedules	1	LS	\$ 2,000.00	\$ 2,000.00	98%	\$ 1,960.00	0%	\$ -	98%	\$ 1,960.00
8.2.7	Submittals	1	LS	\$ 18,000.00	\$ 18,000.00	98%	\$ 17,640.00	0%	\$ -	98%	\$ 17,640.00
8.2.8	Temporary Offices, Sanitation, etc.	1	LS	\$ 54,000.00	\$ 54,000.00	77.78%	\$ 42,000.00	5.56%	\$ 3,000.00	83.33%	\$ 45,000.00
8.2.9	Project Sign	1	LS	\$ 1,500.00	\$ 1,500.00	100%	\$ 1,500.00	0%	\$ -	100%	\$ 1,500.00
8.2.10	Construction Photographs	1	LS	\$ 500.00	\$ 500.00	100%	\$ 500.00	0%	\$ -	100%	\$ 500.00
				General Requirements Total			\$ 446,650.00		\$ 17,000.00		\$ 463,650.00
8.3	WWTP Siterwork										
8.3.1	Sludge Drying Bed Demolition	1	LS	\$ 45,750.00	\$ 45,750.00	100%	\$ 45,750.00	0%	\$ -	100%	\$ 45,750.00
8.3.2	Misc. Existing Tanks & Buildings Demolition	1	LS	\$ 18,459.00	\$ 18,459.00	0%	\$ -	0%	\$ -	0%	\$ -
8.3.3	Staging Area Earthwork & Grading	1	LS	\$ 25,000.00	\$ 25,000.00	100%	\$ 25,000.00	0%	\$ -	100%	\$ 25,000.00
8.3.4	Staging Area Temporary Fencing	1	LS	\$ 1,500.00	\$ 1,500.00	100%	\$ 1,500.00	0%	\$ -	100%	\$ 1,500.00
8.3.5	Hot Mix Asphalt Paving	1	LS	\$ 38,287.20	\$ 38,287.20	20%	\$ 7,657.44	0%	\$ -	20%	\$ 7,657.44
8.3.6	Canopy Slab @ CL2 Bldg	1	LS	\$ 5,250.00	\$ 5,250.00	100%	\$ 5,250.00	0%	\$ -	100%	\$ 5,250.00
8.3.7	Canopy Slab @ Ops Bldg	1	LS	\$ 7,350.00	\$ 7,350.00	100%	\$ 7,350.00	0%	\$ -	100%	\$ 7,350.00
8.3.8	Generator Slab	1	LS	\$ 13,125.00	\$ 13,125.00	100%	\$ 13,125.00	0%	\$ -	100%	\$ 13,125.00
8.3.9	CL2 Mixer Concrete Repair	1	LS	\$ 4,200.00	\$ 4,200.00	0%	\$ -	0%	\$ -	0%	\$ -
8.3.10	Chem Storage Slab	1	LS	\$ 4,200.00	\$ 4,200.00	0%	\$ -	0%	\$ -	0%	\$ -
8.3.11	3 Steel Canopies	1	LS	\$ 36,163.05	\$ 36,163.05	100%	\$ 36,163.05	0%	\$ -	100%	\$ 36,163.05

8.3.12	3 Bollards per C02	1	LS	\$	2,702.70	\$	2,702.70	100%	\$	2,702.70	0%	\$	-	100%	\$	2,702.70
8.3.13	Static Mixer & Chlorine Injection Precast Vault	1	LS	\$	16,500.00	\$	16,500.00	100%	\$	16,500.00	0%	\$	-	100%	\$	16,500.00
8.3.14	Existing Control Room Door	1	LS	\$	12,600.00	\$	12,600.00	100%	\$	12,600.00	0%	\$	-	100%	\$	12,600.00
8.3.15	Existing Control Room Roof	1	LS	\$	22,575.00	\$	22,575.00	0%	\$	-	0%	\$	-	0%	\$	-
	<b>WWTP Sitework Total</b>				<b>\$</b>	<b>253,661.95</b>			<b>\$</b>	<b>173,598.19</b>		<b>\$</b>	<b>-</b>		<b>\$</b>	<b>173,598.19</b>
8.4	<b>Yard Piping</b>															
8.4.1	12" Effluent Piping	1	LS	\$	60,000.00	\$	60,000.00	100%	\$	60,000.00	0%	\$	-	100%	\$	60,000.00
8.4.2	12" Influent Piping	1	LS	\$	50,000.00	\$	50,000.00	100%	\$	50,000.00	0%	\$	-	100%	\$	50,000.00
8.4.3	6" Sludge Piping	1	LS	\$	25,000.00	\$	25,000.00	0%	\$	-	0%	\$	-	0%	\$	-
8.4.4	8" Backwash Piping	1	LS	\$	30,000.00	\$	30,000.00	3.47%	\$	1,041.40	0.00%	\$	-	3.47%	\$	1,041.40
8.4.5	Misc. Underground Piping, Tie-Ins, Demo, Etc.	1	LS	\$	10,000.00	\$	10,000.00	100%	\$	10,000.00	0%	\$	-	100%	\$	10,000.00
8.4.6	Static Mixer & Chlorine Injection Vault Piping - Material	1	LS	\$	3,339.00	\$	3,339.00	100%	\$	3,339.00	0%	\$	-	100%	\$	3,339.00
8.4.7	Static Mixer & Chlorine Injection Vault Piping - Labor	1	LS	\$	1,443.75	\$	1,443.75	100%	\$	1,443.75	0%	\$	-	100%	\$	1,443.75
	<b>Yard Piping Total</b>				<b>\$</b>	<b>179,782.75</b>			<b>\$</b>	<b>125,824.15</b>		<b>\$</b>	<b>-</b>		<b>\$</b>	<b>125,824.15</b>
8.5	<b>Headworks</b>															
8.5.1	Influent Pump Installation per SP10	1	LS	\$	6,460.65	\$	6,460.65	100%	\$	6,460.65	0%	\$	-	100%	\$	6,460.65
8.5.2	Grating Support Channel and New Grating per SP10	1	LS	\$	5,537.70	\$	5,537.70	100%	\$	5,537.70	0%	\$	-	100%	\$	5,537.70
8.5.3	Headworks Pump Piping - Material	1	LS	\$	20,002.50	\$	20,002.50	100%	\$	20,002.50	0%	\$	-	100%	\$	20,002.50
8.5.4	Headworks Pump Piping - Labor	1	LS	\$	7,381.50	\$	7,381.50	100%	\$	7,381.50	0%	\$	-	100%	\$	7,381.50
	<b>Headworks Total</b>				<b>\$</b>	<b>39,382.35</b>			<b>\$</b>	<b>39,382.35</b>		<b>\$</b>	<b>-</b>		<b>\$</b>	<b>39,382.35</b>
8.6	<b>Biological Treatment Facility</b>															
8.6.1	Excavation	1	LS	\$	75,000.00	\$	75,000.00	100%	\$	75,000.00	0%	\$	-	100%	\$	75,000.00
8.6.2	Subgrade & Base Rock	1	LS	\$	25,000.00	\$	25,000.00	100%	\$	25,000.00	0%	\$	-	100%	\$	25,000.00
8.6.3	Tank Slab Form & Pour	1	LS	\$	262,500.00	\$	262,500.00	100%	\$	262,500.00	0%	\$	-	100%	\$	262,500.00
8.6.4	Tank Slab Rebar	1	LS	\$	330,750.00	\$	330,750.00	100%	\$	330,750.00	0%	\$	-	100%	\$	330,750.00
8.6.5	Tank Walls Form & Pour	1	LS	\$	682,500.00	\$	682,500.00	100%	\$	682,500.00	0%	\$	-	100%	\$	682,500.00
8.6.6	Tank Walls Rebar	1	LS	\$	309,750.00	\$	309,750.00	100%	\$	309,750.00	0%	\$	-	100%	\$	309,750.00
8.6.7	Sloped Fills	1	LS	\$	52,500.00	\$	52,500.00	100%	\$	52,500.00	0%	\$	-	100%	\$	52,500.00
8.6.8	Backfill	1	LS	\$	7,500.00	\$	7,500.00	100%	\$	7,500.00	0%	\$	-	100%	\$	7,500.00
8.6.9	Aluminum Stair with Railing	1	LS	\$	20,245.05	\$	20,245.05	100%	\$	20,245.05	0%	\$	-	100%	\$	20,245.05
8.6.10	AeroMod Equipment Installation	1	LS	\$	203,054.25	\$	203,054.25	100%	\$	203,054.25	0%	\$	-	100%	\$	203,054.25
8.6.11	Pipe Connections Bio Treatment 12"INFP, 12"EFF, 8"LPA & 4"LPA - SP01 & SP02 - Material	1	LS	\$	28,407.75	\$	28,407.75	100%	\$	28,407.75	0%	\$	-	100%	\$	28,407.75
8.6.12	Pipe Connections Bio Treatment 12"INFP, 12"EFF, 8"LPA & 4"LPA - SP01 & SP02 - Labor	1	LS	\$	23,404.50	\$	23,404.50	100%	\$	23,404.50	0%	\$	-	100%	\$	23,404.50
8.6.13	Selector Tank Piping - Material	1	LS	\$	819.00	\$	819.00	100%	\$	819.00	0%	\$	-	100%	\$	819.00
8.6.14	Selector Tank Piping - Labor	1	LS	\$	3,601.50	\$	3,601.50	100%	\$	3,601.50	0%	\$	-	100%	\$	3,601.50
8.6.15	Conduit and Pneumatic Systems - Material	1	LS	\$	1,312.50	\$	1,312.50	100%	\$	1,312.50	0%	\$	-	100%	\$	1,312.50
8.6.16	Conduit and Pneumatic Systems - Labor	1	LS	\$	8,100.75	\$	8,100.75	100%	\$	8,100.75	0%	\$	-	100%	\$	8,100.75
8.6.17	Aeration Tank Piping - Material	1	LS	\$	8,111.25	\$	8,111.25	100%	\$	8,111.25	0%	\$	-	100%	\$	8,111.25
8.6.18	Aeration Tank Piping - Labor	1	LS	\$	20,160.00	\$	20,160.00	100%	\$	20,160.00	0%	\$	-	100%	\$	20,160.00
8.6.19	Clarifier Piping - Material	1	LS	\$	5,785.50	\$	5,785.50	100%	\$	5,785.50	0%	\$	-	100%	\$	5,785.50
8.6.20	Clarifier Piping - Labor	1	LS	\$	7,203.00	\$	7,203.00	100%	\$	7,203.00	0%	\$	-	100%	\$	7,203.00
8.6.21	Digester Tank Piping - Material	1	LS	\$	5,323.50	\$	5,323.50	100%	\$	5,323.50	0%	\$	-	100%	\$	5,323.50

8.6.22	Digester Tank Piping - Labor	1	LS	\$	16,290.75	\$	16,290.75	100%	\$	16,290.75	0%	\$	-	100%	\$	16,290.75
8.6.23	6"SL, 2W, 12"LP, 4"SL - SP01 - Material	1	LS	\$	58,338.00	\$	58,338.00	100%	\$	58,338.00	0%	\$	-	100%	\$	58,338.00
8.6.24	6"SL, 2W, 12"LP, 4"SL - SP01 - Labor	1	LS	\$	34,156.50	\$	34,156.50	100%	\$	34,156.50	0%	\$	-	100%	\$	34,156.50
8.6.25	7 Sch 10 Stainless LPA Crossovers per SP02	1	LS	\$	9,483.60	\$	9,483.60	100%	\$	9,483.60	0%	\$	-	100%	\$	9,483.60
8.6.26	9 Hose Racks per SP01	1	LS	\$	7,087.50	\$	7,087.50	100%	\$	7,087.50	0%	\$	-	100%	\$	7,087.50
				Biological Treatment Total												
8.7	Blower Building															
8.7.1	Earthwork	1	LS	\$	5,000.00	\$	5,000.00	100%	\$	5,000.00	0%	\$	-	100%	\$	5,000.00
8.7.2	Blower Building Concrete	1	LS	\$	36,750.00	\$	36,750.00	100%	\$	36,750.00	0%	\$	-	100%	\$	36,750.00
8.7.3	Concrete Masonry	1	LS	\$	20,947.50	\$	20,947.50	100%	\$	20,947.50	0%	\$	-	100%	\$	20,947.50
8.7.4	Roof Structure	1	LS	\$	42,000.00	\$	42,000.00	100%	\$	42,000.00	0%	\$	-	100%	\$	42,000.00
8.7.5	Doors	1	LS	\$	7,035.00	\$	7,035.00	100%	\$	7,035.00	0%	\$	-	100%	\$	7,035.00
8.7.6	New Blowers in Blower Building	1	LS	\$	6,460.65	\$	6,460.65	100%	\$	6,460.65	0%	\$	-	100%	\$	6,460.65
8.7.7	Valves and Supports SP20 - Material Only	1	LS	\$	2,798.25	\$	2,798.25	100%	\$	2,798.25	0%	\$	-	100%	\$	2,798.25
8.7.8	Blower Piping to Mech. Coupling Outside Blower Bldg	1	LS	\$	8,190.00	\$	8,190.00	95%	\$	8,190.00	5%	\$	409.50	100%	\$	8,190.00
8.7.9	2 Bollards per SP19	1	LS	\$	2,086.35	\$	2,086.35	100%	\$	2,086.35	0%	\$	-	100%	\$	2,086.35
8.7.10	HVAC	1	LS	\$	13,679.40	\$	13,679.40	0%	\$	-	0%	\$	-	0%	\$	-
				Blower Building Total												
8.8	Operations Building															
8.8.1	Basement Gravel Fill	1	LS	\$	5,000.00	\$	5,000.00	0%	\$	-	0%	\$	-	0%	\$	-
8.8.2	Concrete Infill	1	LS	\$	15,750.00	\$	15,750.00	0%	\$	-	0%	\$	-	0%	\$	-
8.8.3	Interior Framing	1	LS	\$	15,750.00	\$	15,750.00	0%	\$	-	0%	\$	-	0%	\$	-
8.8.4	Drywall	1	LS	\$	6,300.00	\$	6,300.00	0%	\$	-	0%	\$	-	0%	\$	-
8.8.5	Doors & Windows	1	LS	\$	16,800.00	\$	16,800.00	0%	\$	-	0%	\$	-	0%	\$	-
8.8.6	Roof	1	LS	\$	4,200.00	\$	4,200.00	0%	\$	-	0%	\$	-	0%	\$	-
8.8.7	Cabinetry	1	LS	\$	11,550.00	\$	11,550.00	0%	\$	-	0%	\$	-	0%	\$	-
8.8.8	Misc. Finishes	1	LS	\$	21,000.00	\$	21,000.00	0%	\$	-	0%	\$	-	0%	\$	-
8.8.9	Plumbing M04 - Rough In	1	LS	\$	8,263.50	\$	8,263.50	0%	\$	-	0%	\$	-	0%	\$	-
8.8.10	Plumbing M04 - Top-Out	1	LS	\$	21,273.00	\$	21,273.00	0%	\$	-	0%	\$	-	0%	\$	-
8.8.11	Plumbing M04 - Trim	1	LS	\$	9,975.00	\$	9,975.00	0%	\$	-	0%	\$	-	0%	\$	-
				Operations Building Total												
8.9	Effluent Pumping Station / Chlorine Contact Basin															
8.9.1	Structure Demolition	1	LS	\$	14,175.00	\$	14,175.00	100%	\$	14,175.00	0%	\$	-	100%	\$	14,175.00
8.9.2	Install Effluent Pumps & Chlorine Sample Pump	1	LS	\$	6,460.65	\$	6,460.65	100%	\$	6,460.65	0%	\$	-	100%	\$	6,460.65
8.9.3	New HDPE Panels at existing baffle frames	1	LS	\$	6,260.10	\$	6,260.10	100%	\$	6,260.10	0%	\$	-	100%	\$	6,260.10
8.9.4	FRP Grating per X08	1	LS	\$	6,825.00	\$	6,825.00	90%	\$	6,142.50	10%	\$	682.50	100%	\$	6,825.00
8.9.5	Weir Plate per DISP23	1	LS	\$	2,625.00	\$	2,625.00	100%	\$	2,625.00	0%	\$	-	100%	\$	2,625.00
8.9.6	PVC Stilling Well per SP23	1	LS	\$	2,310.00	\$	2,310.00	100%	\$	2,310.00	0%	\$	-	100%	\$	2,310.00
8.9.7	Grating Support Channel and New Grating per SP23	1	LS	\$	5,537.70	\$	5,537.70	100%	\$	5,537.70	0%	\$	-	100%	\$	5,537.70
8.9.8	Pipe Supports with U Bolts A/C05	1	LS	\$	1,845.90	\$	1,845.90	100%	\$	1,845.90	0%	\$	-	100%	\$	1,845.90
8.9.9	Effluent Pump Piping - Material	1	LS	\$	22,879.50	\$	22,879.50	100%	\$	22,879.50	0%	\$	-	100%	\$	22,879.50
8.9.10	Effluent Pump Piping - Labor	1	LS	\$	9,093.00	\$	9,093.00	100%	\$	9,093.00	0%	\$	-	100%	\$	9,093.00
8.9.11	Effluent Pump Station 2W Piping - Material	1	LS	\$	4,898.25	\$	4,898.25	100%	\$	4,898.25	0%	\$	-	100%	\$	4,898.25

8.9.12	Effluent Pump Station 2W Piping - Labor	1	LS	\$	5,223.75	\$	5,223.75	100%	\$	5,223.75	0%	\$	-	100%	\$	5,223.75	
				Effluent Pump Station Total				\$	88,133.85								
8.10	Equipment Procurement																
8.10.1	General Equipment & Mechanical Requirements	1	LS	\$	5,000.00	\$	5,000.00	98%	\$	4,900.00	1%	\$	50.00	99%	\$	4,950.00	
8.10.2	Submersible Non-Clog Influent Pumps	1	LS	\$	57,697.50	\$	57,697.50	100%	\$	57,697.50	0%	\$	-	100%	\$	57,697.50	
8.10.3	Submersible Non-Clog Effluent Pumps	1	LS	\$	57,697.50	\$	57,697.50	100%	\$	57,697.50	0%	\$	-	100%	\$	57,697.50	
8.10.4	Package Biological Treatment Facility	1	LS	\$	1,563,759.75	\$	1,563,759.75	100%	\$	1,563,759.75	0%	\$	-	100%	\$	1,563,759.75	
8.10.5	Static Mixer	1	LS	\$	5,910.45	\$	5,910.45	100%	\$	5,910.45	0%	\$	-	100%	\$	5,910.45	
8.10.6	Laboratory Glassware, Apparatus and Equipment	1	LS	\$	17,000.00	\$	17,000.00	100%	\$	17,000.00	0%	\$	-	100%	\$	17,000.00	
8.10.7	Sampling, Lab and Monitoring Equipment	1	LS	\$	753.90	\$	753.90	100%	\$	753.90	0%	\$	-	100%	\$	753.90	
8.10.8	FRP Stop Gates and FRP Chemical Metering Enclosure	1	LS	\$	62,946.99	\$	62,946.99	85.61%	\$	53,890.05	0.00%	\$	-	85.61%	\$	53,890.05	
8.10.9	Chemical Metering Equipment	1	LS	\$	19,778.86	\$	19,778.86	0%	\$	-	0%	\$	-	0%	\$	-	
				Equipment Total				\$	1,790,544.95								
8.11	Painting																
8.11.1	Buildings and Doors	1	LS	\$	15,382.50	\$	15,382.50	50%	\$	7,691.25	0%	\$	-	50%	\$	7,691.25	
8.11.2	Piping and Miscellaneous	1	LS	\$	15,382.50	\$	15,382.50	40%	\$	6,153.00	55%	\$	8,460.38	95%	\$	14,613.38	
				Painting Total				\$	30,765.00								
8.12	Electrical																
8.12.1	Generator	1	LS	\$	173,853.75	\$	173,853.75	100%	\$	173,853.75	0%	\$	-	100%	\$	173,853.75	
8.12.2	Light Fixtures	1	LS	\$	24,440.85	\$	24,440.85	100%	\$	24,440.85	0%	\$	-	100%	\$	24,440.85	
8.12.3	Aqua Sierra Controls	1	LS	\$	147,383.25	\$	147,383.25	95%	\$	140,014.09	0%	\$	-	95%	\$	140,014.09	
8.12.4	Motor Control Centers, Panels, Transformers, Etc.	1	LS	\$	222,247.20	\$	222,247.20	100%	\$	222,247.20	0%	\$	-	100%	\$	222,247.20	
8.12.5	Underground Trenching, Backfill, Pads, Conduit	1	LS	\$	143,079.30	\$	143,079.30	100%	\$	143,079.30	0%	\$	-	100%	\$	143,079.30	
				Electrical Demo and New Work in Control Bldg, Electric Bldg, Blower Bldg and Operations Bldg													
8.12.6		1	LS	\$	60,241.65	\$	60,241.65	90.00%	\$	54,217.49	5.00%	\$	3,012.08	95.00%	\$	57,229.57	
8.12.7	Headworks, Effluent Pumps, Chlorine Electric	1	LS	\$	11,550.00	\$	11,550.00	95%	\$	10,972.50	5%	\$	577.50	100%	\$	11,550.00	
8.12.8	Disposal Site Electric Not Counting Panels	1	LS	\$	6,825.00	\$	6,825.00	95%	\$	6,483.75	5%	\$	341.25	100%	\$	6,825.00	
8.12.9	Job Move-In Temp Power	1	LS	\$	3,675.00	\$	3,675.00	100%	\$	3,675.00	0%	\$	-	100%	\$	3,675.00	
8.12.10	Set Main Switchboard, Service, MCC2	1	LS	\$	36,626.10	\$	36,626.10	100%	\$	36,626.10	0%	\$	-	100%	\$	36,626.10	
8.12.11	Hook-Up New Motors	1	LS	\$	10,363.50	\$	10,363.50	95%	\$	9,845.33	5%	\$	518.18	100%	\$	10,363.50	
				Electrical Total				\$	825,455.35								
				Bid Item 8 Total				\$	5,981,057.94								
9	Bid Item 9																
				All work as required to install the Indirect Sludge Dryer System as defined in Addendum No. 3.													
9.1	Administration Requirements	1	LS	\$	20,000.00	\$	20,000.00	98%	\$	19,600.00	1%	\$	200.00	99%	\$	19,800.00	
9.2	Indirect Sludge Dryer System	1	LS	\$	558,979.15	\$	558,979.15	95%	\$	531,030.19	0%	\$	-	95%	\$	531,030.19	
9.3	Demolition	1	LS	\$	5,250.00	\$	5,250.00	100%	\$	5,250.00	0%	\$	-	100%	\$	5,250.00	
9.4	Concrete Slab	1	LS	\$	21,000.00	\$	21,000.00	100%	\$	21,000.00	0%	\$	-	100%	\$	21,000.00	
9.5	Decrease Bio Tank Size	1	LS	\$	(45,150.00)	\$	(45,150.00)	100%	\$	(45,150.00)	0%	\$	-	100%	\$	(45,150.00)	
9.6	Paving	1	LS	\$	3,300.00	\$	3,300.00	100%	\$	3,300.00	0%	\$	-	100%	\$	3,300.00	
9.7	Gas, Water, Drain & Misc. Piping for Sludge Dryer - Material	1	LS	\$	2,903.25	\$	2,903.25	100%	\$	2,903.25	0%	\$	-	100%	\$	2,903.25	
9.8	Gas, Water, Drain & Misc Piping for Sludge Dryer - Labor	1	LS	\$	4,305.00	\$	4,305.00	100%	\$	4,305.00	0%	\$	-	100%	\$	4,305.00	
9.9	Sludge Dryer System Installation	1	LS	\$	33,143.25	\$	33,143.25	100%	\$	33,143.25	0%	\$	-	100%	\$	33,143.25	

9.10	Sludge Dryer Venting	1	LS	\$	49,714.35	\$	49,714.35	100%	\$	49,714.35	0%	\$	49,714.35	100%	\$	49,714.35
9.11	Doors	1	LS	\$	9,555.00	\$	9,555.00	50%	\$	4,777.50	50%	\$	4,777.50	100%	\$	9,555.00
				Bld Item 9 Total		\$	663,000.00		\$	629,873.54		\$	4,977.50		\$	634,851.04
<b>TOTAL</b>						\$	10,531,000.00		\$	8,642,354.96		\$	44,563.79		\$	8,686,918.76

Original Contract Amount \$ 10,631,000.00  
 Total Change Orders \$ 48,312.65  
 Total Contract + Change Orders \$ 10,679,312.65  
 Contract Work + Change Orders Performed To Date \$ 8,735,231.41  
 Work To Date Minus 5% Retention \$ 8,298,469.84  
 Previous Billed Less 5% Retention \$ 8,255,643.09  
 Work To Date Minus Previous Billed \$ 42,826.75  
**TOTAL AMOUNT DUE \$ 42,826.75**

## Change Orders

Item	Description of Item	Qty	Unit	Unit Cost	Total Cost	Previous		This Period		Total to Date	
						Qty	\$	Qty	\$	Qty	\$
Change Order No. 1											
1-1	PCO 1: Provide Flygt Non-Clog Submersible Pumps rather than listed Wilo Pumps.	1	LS	\$ (3,421.97)	\$ (3,421.97)	100%	\$ (3,421.97)	0%	\$ -	100%	\$ (3,421.97)
1-2	PCO 2: Delete 24' wide double swing access gate	1	LS	\$ -	\$ -	0%	\$ -	100%	\$ -	100%	\$ -
1-3	PCO 3: Relocation of influent sewer per drawing CO3	1	LS	\$ (9,016.87)	\$ (9,016.87)	100%	\$ (9,016.87)	0%	\$ -	100%	\$ (9,016.87)
1-4	PCO 4: Provide supply bond for Therna-Flite Indirect Sludge Dryer.	1	LS	\$ 2,838.33	\$ 2,838.33	100%	\$ 2,838.33	0%	\$ -	100%	\$ 2,838.33
1-5	PCO 5: Add two 12" 45 elbows with restraints & relocate existing 4" 1W to avoid conflict with the new 12" INFP	1	LS	\$ 2,123.58	\$ 2,123.58	100%	\$ 2,123.58	0%	\$ -	100%	\$ 2,123.58
1-6	PCO 6: Provide permanent gutter on west side of existing Dewatering Building	1	LS	\$ 855.00	\$ 855.00	100%	\$ 855.00	0%	\$ -	100%	\$ 855.00
1-7	PCO 7: Provide permanent DI and culvert installation for staging area drainage	1	LS	\$ 1,889.44	\$ 1,889.44	100%	\$ 1,889.44	0%	\$ -	100%	\$ 1,889.44
1-8	PCO 8: Providing permanent crushed rock gravel surface for staging area (material cost only)	1	LS	\$ 4,541.09	\$ 4,541.09	100%	\$ 4,541.09	0%	\$ -	100%	\$ 4,541.09
1-9	PCO 9: Delete misc. instruments per RFI's 5, 6, 7	1	LS	\$ (740.11)	\$ (740.11)	100%	\$ (740.11)	0%	\$ -	100%	\$ (740.11)
1-10	PCO 10: Fabricate and install new PLC SCADA and Pump Control Panel	1	LS	\$ 30,891.62	\$ 30,891.62	100%	\$ 30,891.62	0%	\$ -	100%	\$ 30,891.62
Change Order No. 1 Total					\$ 29,960.11		\$ 29,960.11		\$ -		\$ 29,960.11
Change Order No. 2											
2-1	PCO 11: MiniCAS relay for existing influent pump including shipping. Add input from MiniCAS relay for existing influent pump to SCADA.	1	LS	\$ 764.83	\$ 764.83	100%	\$ 764.83	0%	\$ -	100%	\$ 764.83
2-2	PCO 14: Disposal site changes per revised drawing D01 and Submittal 15064-3	1	LS	\$ 10,041.69	\$ 10,041.69	100%	\$ 10,041.69	0%	\$ -	100%	\$ 10,041.69
2-3	PCO 15: Change SCADA panel from single door to double door.	1	LS	\$ 2,364.80	\$ 2,364.80	100%	\$ 2,364.80	0%	\$ -	100%	\$ 2,364.80
2-4	PCO 16: Changes in earthwork at Disposal site to raise roads.	1	LS	\$ 4,101.72	\$ 4,101.72	100%	\$ 4,101.72	0%	\$ -	100%	\$ 4,101.72
2-5	PCO 17: Credit remainder of overexcavation, Bid Item 2, from contract. Overexcavation cost at Blower Building.	1	LS	\$ (72,625.00)	\$ (72,625.00)	100%	\$ (72,625.00)	0%	\$ -	100%	\$ (72,625.00)
Change Order No. 2 Total					\$ (55,351.96)		\$ (55,351.96)		\$ -		\$ (55,351.96)
Change Order No. 3											
3-1	PCO 18: MCC Re-location at Disposal Site	1	LS	\$ 5,169.94	\$ 5,169.94	90%	\$ 4,652.95	10%	\$ 516.99	100%	\$ 5,169.94
3-2	PCO 19 rev 1: Furnish & install ceiling mounted fan & ducting with thermostatic control in Blower Bldg.	1	LS	\$ 3,472.08	\$ 3,472.08	100%	\$ 3,472.08	0%	\$ -	100%	\$ 3,472.08
3-3	PCO 20 rev 1: Furnish & install 8 Revised Light Fixtures at Bio Tank	1	LS	\$ -	\$ -	100%	\$ -	0%	\$ -	100%	\$ -
3-4	PCO 21: Transmission line boring extra work 12/3/2012 - 12/10/2012	1	LS	\$ 36,878.38	\$ 36,878.38	100%	\$ 36,878.38	0%	\$ -	100%	\$ 36,878.38
3-5	PCO 22: Furnish & install PT Framing at Contact Basin	1	LS	\$ 11,471.58	\$ 11,471.58	100%	\$ 11,471.58	0%	\$ -	100%	\$ 11,471.58
3-6	PCO 23: Gas Meter Pad & Bollards, as required by PG&E	1	LS	\$ 3,914.76	\$ 3,914.76	100%	\$ 3,914.76	0%	\$ -	100%	\$ 3,914.76
Change Order No. 3 Total					\$ 60,906.74		\$ 60,389.75		\$ 516.99		\$ 60,906.74

Change Order No. 4													
	PCO 24 rev 1: Delete 3 Blowoff Assemblies from the Recycled Water Transmission Main	1	LS	\$	(15,000.00)	\$	(15,000.00)	100%	\$	(15,000.00)	0%	\$	-
4-1	PCO 25: Fabricate and install structural steel repairs to Contact Basin baffle frames	1	LS	\$	2,522.93	\$	2,522.93	100%	\$	2,522.93	0%	\$	-
4-2	PCO 26: New 1" gas line from new meter location to existing unit heaters	1	LS	\$	1,526.53	\$	1,526.53	100%	\$	1,526.53	0%	\$	-
4-3	PCO 27: Change 4 Air Release Valves to buried concrete valve boxes	1	LS	\$	8,311.52	\$	8,311.52	100%	\$	8,311.52	0%	\$	-
4-4	PCO 28: Hilltop Drive 6" Sewer Main Repair	1	LS	\$	15,436.78	\$	15,436.78	100%	\$	15,436.78	0%	\$	-
4-5	PCO 29: Supply and install aluminum 30" wide by 20' long access platform with handrails both sides & stairs at one end to access Sludge Dryer. Supply & install one 18" sq. sign with black lettering. Delete two man doors in Sludge Dryer Building. No Cost	1	LS	\$	-	\$	-	50%	\$	-	50%	\$	-
4-6													
Change Order No. 4 Total													
						\$	48,312.65		\$	47,795.66		\$	516.99
TOTAL													
						\$	48,312.65		\$	47,795.66		\$	48,312.65

*Rio Dell City hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodellcity.com*



June 4, 2013

TO: Honorable Mayor and City Council  
FROM: Jim Stretch, City Manager  
SUBJECT: Property Tax Administrative Fee Settlement with Humboldt County

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve the attached property tax administrative fee Settlement Agreement and Release with the County of Humboldt in the amount of \$30,554.88, and direct the Mayor to sign the agreement

BACKGROUND AND DISCUSSION

Pursuant to state law, the County charges cities within the County of Humboldt a property tax administration fee for assessing, collecting, and allocating property tax revenues. In so doing, the County treated property tax revenue diverted from the County's Educational Revenue Augmentation Fund pursuant to Revenue & Taxation Code §§97.68 and 97.70 ("Diverted Revenue") as a form of property tax, subject to the fee.

A dispute arose in fiscal year 2006-07 regarding the allocation of property taxes, and whether property tax administration fees should be charged on the diverted revenue, continuing through fiscal year 2011-2012. The legal issues germane to the dispute were the subject of ongoing litigation recently decided by the Supreme Court of California in *City of Alhambra v. County of Los Angeles* in which the Supreme Court held that diverted revenue paid to cities was exempt from the property tax administration fee, and that counties had incorrectly included such revenue in the calculation of property tax administration fees due from cities.

The attached Settlement Agreement and Release between the City of Rio Dell and the County of Humboldt in the amount of \$30,554.88 has been calculated by the County and reflects the corrections ordered by the Court. The agreement has been reviewed and approved by the City Attorney, Russ Gans. It is recommended that the City Council approve the agreement and direct the Mayor to sign it.

**SETTLEMENT AGREEMENT AND RELEASE  
BY AND BETWEEN  
CITY OF RIO DELL  
AND  
COUNTY OF HUMBOLDT**

This Settlement Agreement and Release is made and entered into by and between the City of Rio Dell, a municipal corporation, hereinafter referred to as "CITY," and the County of Humboldt, a political subdivision of the State of California, hereinafter referred to as "COUNTY," and is effective as of the date of full execution by the Parties as indicated below.

WHEREAS, pursuant to state law, the COUNTY charges cities within the County of Humboldt a property tax administration fee for assessing, collecting, and allocating property tax revenues; and

WHEREAS, the COUNTY treated property tax revenue diverted from the COUNTY's Educational Revenue Augmentation Fund pursuant to Revenue & Taxation Code §§97.68 and 97.70 ("Diverted Revenue") as a form of property tax, subject to the property tax administration fee.

WHEREAS, a dispute arose regarding the allocation of property taxes, and whether property tax administration fees should be charged to cities within the County of Humboldt on the Diverted Revenue, beginning in fiscal year 2006-2007 and continuing through fiscal year 2011-2012 ("Administrative Fee Dispute"); and

WHEREAS, the legal issues germane to the Administrative Fee Dispute were the subject of ongoing litigation recently decided by the Supreme Court of California in *City of Alhambra v. County of Los Angeles*, Supreme Court of California, Case No. S185457 ("Administrative Fee Litigation"), in which the Supreme Court held that Diverted Revenue paid to cities was exempt from the property tax administration fee, and that counties had incorrectly included such revenue in the calculation of property tax administration fees due from cities; and

WHEREAS, in light of the Supreme Court's ruling in the Administrative Fee Litigation, the Parties desire to enter into this Settlement Agreement in order to completely and finally resolve the Administrative Fee Dispute.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth below, CITY and COUNTY agree as follows:

1. COMPROMISE AND SETTLEMENT:

The Parties to this Settlement Agreement, in consideration of the promises and concessions made by each Party, agree that the foregoing recitals are true and correct, and agree to mutually compromise and settle the Administrative Fee Dispute upon all of the terms and conditions herein.

2. CURRENT YEAR AND FUTURE COLLECTION:

Commencing with fiscal Year 2012-2013, and each year thereafter, the COUNTY will cease collection of property tax administrative fee on the Diverted Revenue unless and until authorized by statute or subsequent court order to collect same.

3. PAYMENT:

In consideration of the release of claims set forth below, the COUNTY agrees to pay to the CITY the total sum of Thirty Thousand Five Hundred Fifty Four Dollars and Eighty Eight Cents (\$30,554.88), on or before June 30, 2013. No monies, paid through this Agreement, to the CITY shall be returned or reimbursed to the COUNTY should there be a modification or reversal in the Administrative Fee Litigation.

4. RELEASE AND DISCHARGE:

- A. Release of Claims. In consideration of the payment set forth in Section 3, CITY, for itself, its elected and appointed officers, employees, agents, administrators, successors and assigns, does hereby release, acquit and forever discharge the COUNTY, its elected and appointed officials, officers, employees, agents, administrators, successors and assigns, from and against any and all past, present or future claims, demands, obligations, actions, causes of action, subrogation rights, reimbursement rights, damages, costs, losses of services, expenses and compensation of any nature whatsoever, whether based on a tort, contract, or any other theory of recovery, which said parties now have, or which may hereafter accrue or otherwise be acquired or asserted on account of, or may in any way grow out of the Administrative Fee Dispute, including, without limitation, any and all known or unknown claims for damages, tax or fee refunds, interest, breach of contract, or any and all known or unknown claims for subrogation and/or reimbursement which have resulted or may result from the alleged acts or omissions of the COUNTY, its elected or appointed officials, officers, employees, agents, administrators, successors or assigns related to any and all administrative fees collected through fiscal year 2011-2012 and all claims at-issue in the Administrative Fee Dispute. This release of claims shall be a fully binding and complete settlement between the parties.
- B. Denial of Liability. It is understood and agreed to by the Parties hereto that this settlement is not to be construed as an admission of liability on the part of COUNTY, by whom liability is expressly denied, and that this Settlement Agreement is entered into solely to resolve the Administrative Fee Dispute and avoid the time and expense of litigation.
- C. Waiver of Rights. The CITY acknowledges and agrees that the release and discharge set forth above is a general release of claims and expressly waives any and all claims for damages related to the Administrative Fee Dispute which exist as of this date, whether known or unknown. The parties further agree they have agreed to exchange payment of the sum specified herein as a complete compromise of matters involving disputed issues of law and fact and mutually assume the risk that the facts or law may be other than they believe and which facts, if known, would materially affect their decision to enter into this Settlement Agreement. The parties hereby acknowledge and expressly waive any and all rights based upon the provisions of California Civil Code §1542, which reads as follows:

**“A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which, if known to him or her, must have materially affected his or her settlement with the debtor.”**

5. ATTORNEY FEES:

Each Party hereto shall bear all attorney fees and costs arising from the actions of its own counsel in connection with this Settlement Agreement, the incidents described in the above recitals and referred to herein, and all related matters.

6. REPRESENTATION OF COMPREHENSION OF DOCUMENT:

- A. Informed Consent. In entering into this Settlement Agreement, each Party represents that they have relied upon the advice of their attorney, who is the attorney of their own choice, concerning the legal consequences of this Settlement Agreement, that the terms of this Settlement Agreement have been completely read and explained to them by their attorney, and that the terms of this Settlement Agreement are fully understood and voluntarily accepted by each Party.
- B. Interpretation. The Parties declare and represent that each Party and counsel for each Party has reviewed and revised, or had the opportunity to revise, this Settlement Agreement and therefore the normal rules of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Settlement Agreement or any amendment of it.
- C. Entire Agreement. The Parties further declare and represent that no promise, inducement or agreement not herein expressed has been made to the other Party, that the Parties are not executing this Agreement in reliance on any promises, representations, or inducements other than those contained herein, that the terms of this release are contractual and not a mere recital, and that the parties sign this release voluntarily, free of any duress or coercion.

7. WARRANTY OF CAPACITY TO EXECUTE AGREEMENT:

The CITY represents and warrants that no other person or entity has, or has had, any interest in the claims, demands, obligations, or causes of action referred to in this Settlement Agreement, except as otherwise set forth herein, that it has the sole right and exclusive authority to execute this Settlement Agreement and receive the sums specified in it, and that it has not sold, assigned, transferred, conveyed, or otherwise disposed of any of the claims, demands, obligations or causes of action referred to in this Settlement Agreement.

8. GOVERNING LAW:

This Settlement Agreement shall be construed and interpreted in accordance with the laws of the State of California. Any dispute arising hereunder or relating to this Settlement Agreement shall be litigated in the State of California and venue shall lie in the County of Humboldt unless transferred by court order.

9. ADDITIONAL DOCUMENTS:

The Parties agree to cooperate fully and execute any and all supplementary documents and to take all additional actions which may be necessary or appropriate to give full force and effect to the basic terms and intent of this Settlement Agreement.

10. SUCCESSORS IN INTEREST:

This Settlement Agreement contains the entire agreement between the Parties, with regard to the matters set forth herein, and shall be binding upon and inure to the benefit of the executors, administrators, personal representatives, heirs, successors and assigns of each.

11. AMENDMENT:

This Settlement Agreement may be modified only by an agreement in writing executed in the same manner as this Settlement Agreement.

12. INDEPENDENT CONSTRUCTION:

The titles of the sections, subsections, and paragraphs set forth in this Settlement Agreement are solely for the convenience of the Parties, are not a part of the Agreement, and shall not be used to interpret or determine the validity of this Agreement or any of its provisions.

13. COUNTERPART EXECUTION:

This Agreement may be executed in counterparts, each of which shall be deemed to be an original and said counterparts shall constitute one and the same instrument.

14. SEVERABILITY:

In the event that any provision of this Agreement be declared or found to be illegal, unenforceable, ineffective or void by any court of law, each Party shall be relieved of any obligations arising in such provision; the balance of this Agreement, if capable of performance, shall remain in full force and effect.

15. FORCE MAJEURE:

Neither Party shall be liable or responsible for delays or failures in performance resulting from events beyond the reasonable control of such Party and without fault or negligence of such Party. Such events shall include, but not be limited to, acts of God, strikes, lockouts, riots, acts of war, epidemics, acts of government, fire, power failures, nuclear accidents, earthquakes, unusually severe weather, acts of terrorism or other disasters, whether or not similar to the foregoing.

16. AUTHORITY TO EXECUTE:

Each person executing this Agreement represents and warrants that he or she is duly authorized and has legal authority to execute and deliver this Agreement. Each Party represents and warrants to the other that the execution and delivery of this Agreement and the performance of such Party's obligations hereunder have been duly authorized.

IN WITNESS WHEREOF, the County of Humboldt, a political subdivision of the State of California, has authorized the execution of this Settlement Agreement in duplicate by the Chair of the Board of Supervisors and attestation by the Clerk of the Board, and the City of Rio Dell, a municipal corporation, has authorized the execution of this Settlement Agreement in duplicate by its \_\_\_\_\_, and attestation by \_\_\_\_\_, its City Clerk.

**CITY OF RIO DELL**

By: \_\_\_\_\_  
[Name]  
[Title]


Dated: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
[Name]  
[Title]

Dated: \_\_\_\_\_

APPROVED AS TO FORM:

By:  \_\_\_\_\_  
Russell S. Gans  
City Attorney

Dated: 5/29/2013

**COUNTY OF HUMBOLDT**

By: \_\_\_\_\_  
Ryan Sundberg  
Chair, Board of Supervisors

Dated: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Kathy Hayes  
Clerk of the Board of Supervisors

Dated: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Wendy B. Chaitin  
County Counsel


Dated: \_\_\_\_\_



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*Rio Dell City hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodelcity.com*

June 4, 2013

TO: Honorable Mayor and City Council  
FROM:  Jim Stretch, City Manager  
SUBJECT: Amendment to GHD (Engineering) Agreement

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve the May 22, 2013 amendment (attached) to the base October 10, 2003 agreement, designating Merritt Perry of GDH as City Engineer

BACKGROUND AND DISCUSSION

For some time the City Manager has been working with GHD Inc. (engineering) to designate Merritt Perry as the Engineer in the firm assigned to the City. The attached amendment to the base agreement does just that. Along with that preference is the establishment of a preferred hourly rate for his professional services, reduced from \$145/hr. to \$120/hr.

The City Attorney has reviewed and approved the amendment and Exhibit A as to its legal form.

It is recommended that the City Council approve the amendment designating Merritt Perry as the City Engineer.

For Meeting of: June 4, 2013

To: City Council

From: Kevin Caldwell, Community Development Director 

Through:  Jim Stretch, City Manager

Date: May 28, 2013

Subject: Non Conforming Regulations Text Amendment  
Section 17.30.160 Rio Dell Municipal Code

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**Recommendation:**

That the City Council:

1. Receive staff's report regarding the proposed text amendment;
2. Open the public hearing, receive public input and deliberate;
3. Introduce Ordinance No. 301-2013 amending the Non-Conforming Regulations, Section 17.30.160 of the Rio Dell Municipal Code and continue consideration of the proposed Ordinance to your meeting of June 18, 2013 for the second reading and adoption

**Background/Summary**

Staff is often contacted by lending institutions regarding the ability to rebuild non-conforming uses in the event they are destroyed or damaged by fire, flood or an earthquake. Non-conforming uses are those uses which were legally established but are no longer identified as an allowed use in the zone they are located or pre-existed prior to the effective date of the City's zoning regulations.

The current non-conforming regulations (Attachment 1) only allow the restoration or reconstruction of non-conforming uses so long as the long as the damage does not exceed 60% or more of the current market value of the structure. However, there is an exception for owner-occupied, one story structures in the Town Center zone. The exception provision allows the restoration or reconstruction of owner occupied **single story homes** in the Town Center zone, regardless of the degree of damage. Staff is not sure why this provision was limited to single story owner-occupied units in the Town Center zone.

Staff estimates that there are **at least** 25 – 30 legal non-conforming residential uses throughout the City. The inability to rebuild these non-conforming uses (residences) that are damaged more than 60% of the current market value of the structure could pose a financial hardship not only on the owner's but for the lenders as well. In addition, the City's Housing Element contains policies that encourage the maintenance, enhancement and improvement of the City's housing stock. As such, staff is recommending that the Planning Commission consider recommending a similar exception that's allowed in the Town Center zone for owner-occupied residences in all commercial zones. Below is a copy of the existing language and the recommended changes:

Section 17.30.160 (3) If 60 percent or more of the market value of any such land or building is destroyed, as determined by the building official, then the property shall become subject to the zoning regulations applicable to the principal zone and any subsequent use or buildings shall be in accordance with such regulations, with the following exception:

~~(a) An existing owner-occupied one-story structure in the town center zone may be restored to its original condition or may be expanded within lot setbacks.~~

(a) A nonconforming owner-occupied residence that is destroyed or damaged by any casualty, may be restored within two (2) years after such destruction or damage but shall not be enlarged except as provided in Section 17.30.160(1)(a) of this Code.

Another issue related to non-conforming uses that has been brought to staff's attention relates to a property owner's ability to do ordinary repairs and maintenance. The current non-conforming provisions, Section 17.30.160(5), limit the maintenance and repairs to no more than 25% of the actual value of the structure in any one year. Locally, only the City of Ferndale limits maintenance and repairs to no more than 25% of the actual value of the structure in any one year. Ferndale's zoning regulations were prepared by the same land use consultant that prepared our regulations. All other local jurisdictions allow the maintenance and repair of non-conforming uses and structures without limitation.

It should be pointed out that although the use (for example residential uses in commercial zones), may be non-conforming, the structure itself could be used for future commercial uses.

Many times former residences are converted to office and professional uses. To discourage the maintenance and repairs to existing buildings is not in the best interest of the City.

Below is a copy of the existing provisions and staff's recommended changes to the Planning Commission:

~~Section 17.30.160 (5) Ordinary maintenance and repair may be made to any nonconforming use or building; provided, that such maintenance and repair does not exceed 25 percent of the actual value in any one year.~~

(5) Ordinary maintenance and repair may be made to a nonconforming structure or a structure in which a nonconforming use is conducted, but no such structure that is declared by any authorized City official to be a public nuisance by reason of physical condition shall be restored, repaired or rebuilt.

The Planning Commission recommends that staff's recommendation be amended to allow the maintenance and repair of non-conforming structures that have been declared a public nuisance, provided that any needed maintenance or repairs be initiated and completed within 90 days of the structure being declared a public nuisance. However, upon review of the Draft Nuisance Regulations, nuisances must be remedied in thirty calendar days, unless there is an immediate danger risk. If there is an eminent threat of danger the nuisance/violation must be remedied immediately. As such, staff recommends that the "nuisance" reference be eliminated from the recommended changes. Therefore, the recommended language is as follows:

Section 17.30.160 (5) Ordinary maintenance and repair may be made to a nonconforming structure or a structure in which a nonconforming use is conducted.

### **Procedures for Zoning Ordinance Amendments**

Pursuant to Section 17.30.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.30.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.

- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

#### **Zone Reclassification Required Finding:**

#### **1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.**

The General Plan (Housing Element) contains goals and policies that encourage the maintenance and improvement of the City's *existing* housing stock. In addition, the General Plan contains goals to enhance the character and overall appearance of the City.

The current non-conforming provision limits the maintenance and repairs to not more than 25% of the value of the structure. Limiting the repairs not only discourages needed maintenance and repairs, but may also encourage unpermitted activity. Again, it should be pointed out that although the use (for example residential uses in commercial zones), may be non-conforming, the structure itself could be used for future commercial uses. Many times former residences are converted to office uses. To discourage the maintenance and repairs to existing buildings is not in the best interest of the City. Staff believes the existing provision, does just that, discourages the maintenance and repairs on non-conforming uses and structure. Staff believes the proposed amendments are consistent with an overall comprehensive view of the General Plan.

**2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).**

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. In addition, Section 15301(d) of the CEQA Guidelines Categorically Exempts the restoration or rehabilitation of deteriorated or damaged structures. Furthermore, Section 15303(a) Categorically Exempts the construction of new single family residences and second dwelling units. Therefore, based on the nature of the proposed amendment and existing Categorical Exemptions, staff believes there is no evidence to suggest that the amendment will have a significant effect on the environment.

**Financial Impact**

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

**Attachments:**

1. Existing Non-Conforming provisions, including recommended revisions.
2. Planning Commission Resolution No. PC 063-2013 recommending approval of the text amendment to the Rio Dell City Council
3. Draft Ordinance No. 301-2013 amending Section 17.30.160 of the Rio Dell Municipal Code.

**Section 17.30.140 RDMC**  
**Existing Nonconforming Use Regulations.**

The lawful use of lands or buildings existing on the effective date of the application of these regulations to the subject property, although such use does not conform to the regulation applied to such subject property, may be continued, except as provided herein.

(1) No such use or building shall be enlarged, increased or structurally altered, nor be extended to occupy a greater area than that existing on the effective date of the application of these regulations to the subject property, except as follows:

(a) A nonconforming building may be enlarged, increased or structurally altered where (i) such building modification is required for reason of public health or safety, or (ii) where such modification will not increase the degree of nonconformance of the subject building with respect to the height and area regulations of the zone in which it is located.

(2) Any use for which a use permit is required by these regulations shall be considered a nonconforming use until a use permit is obtained.

(3) If 60 percent or more of the market value of any such land or building is destroyed, as determined by the building official, then the property shall become subject to the zoning regulations applicable to the principal zone, and any subsequent use or buildings shall be in accordance with such regulations, with the following exception:

(a) An existing owner-occupied one-story structure in the town center zone may be restored to its original condition or may be expanded within lot setbacks.

(4) Any interruption of a nonconforming use, or the use of a nonconforming building, which continues for 12 months or more shall be deemed to be an abandonment of such use, and subsequent use of buildings shall be in accordance with the regulations applicable to the subject property.

(5) Ordinary maintenance and repair may be made to any nonconforming use or building; provided, that such maintenance and repair does not exceed 25 percent of the actual value in any one year.

(6) Any use coming within the provisions of RDMC [17.30.050](#), concerning domestic animals appurtenant to residential uses, shall, after the expiration of 18 months from the effective date of the ordinance codified in this section, conform to the provisions of RDMC [17.30.050](#). [Ord. 252 § 7.60, 2004.]

**RESOLUTION NO. PC 063 – 2013**



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL  
RECOMMENDING APPROVAL OF AMENDING THE NON-CONFORMING  
REGULATIONS, SECTION 17.30.160 OF THE RIO DELL MUNICIPAL CODE:**

**WHEREAS** staff is often contacted by lending institutions regarding the ability to rebuild non-conforming uses in the event they are destroyed or damaged by fire, flood or an earthquake; and

**WHEREAS** non-conforming uses are those uses which were legally permitted but are no longer identified as an allowed use in the zone they are located or pre-existed prior to the effective date of the City's zoning regulations; and

**WHEREAS** the current non-conforming regulations only allow the restoration or reconstruction of non-conforming uses so long as the damage does not exceed 60% or more of the current market value of the structure; and

**WHEREAS** there is an exception for owner-occupied, one story structures in the Town Center zone that allows the restoration or reconstruction of owner occupied single story homes in the Town Center zone, regardless of the degree of damage; and

**WHEREAS** staff estimates that there are *at least* 25 – 30 legal non-conforming residential uses throughout the City; and

**WHEREAS** the inability to rebuild these non-conforming uses (residences) that are damaged more than 60% of the current market value of the structure could pose a financial hardship not only on the owner's but for the lenders as well; and

**WHEREAS** the City's Housing Element contains policies that encourage the maintenance, enhancement and improvement of the City's housing stock; and

**WHEREAS** another issue related to non-conforming uses that has been brought to staff's attention relates to a property owner's ability to do ordinary repairs and maintenance; and

**WHEREAS** the current non-conforming provisions, Section 17.30.160(5), limit the maintenance and repairs to no more than 25% of the actual value of the structure in any one year; and

**WHEREAS** with the exception of the City of Ferndale, all other local jurisdictions allow the maintenance and repair of non-conforming uses and structures without limitation; and

**WHEREAS** the use (for example residential uses in commercial zones), may be non-conforming, the structure itself could be used for future commercial uses; and

**WHEREAS** many times former residences are converted to office uses and to discourage the maintenance and repairs to existing buildings is not in the best interest of the City

**WHEREAS** the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and processed the proposed amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the General Plan and any implementation programs that may be affected; and

**WHEREAS** the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Rio Dell finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The City has determined that the proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Rio Dell recommends that the City Council approve the proposed amendments to the Non-Conforming Regulations, Section 17.30.160 of the Rio Dell Municipal Code.

**I HEREBY CERTIFY** that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on May 14, 2013 by the following vote:

AYES: Chapman, Angeloff, Long, Millington

NOES:

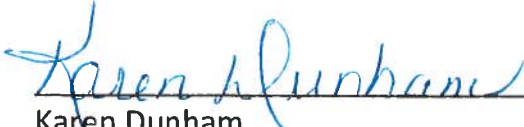
ABSENT:

ABSTAIN:

  
\_\_\_\_\_  
Gary Chapman, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 063-2013 adopted by the Planning Commission of the City of Rio Dell on May 14, 2013.

  
\_\_\_\_\_  
Karen Dunham  
City Clerk, City of Rio Dell

**ORDINANCE NO. 301 – 2013**



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING THE NON-CONFORMING REGULATIONS, SECTION 17.30.160 OF THE  
RIO DELL MUNICIPAL CODE:

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

**WHEREAS** staff is often contacted by lending institutions regarding the ability to rebuild non-conforming uses in the event they are destroyed or damaged by fire, flood or an earthquake; and

**WHEREAS** non-conforming uses are those uses which were legally permitted but are no longer identified as an allowed use in the zone they are located or pre-existed prior to the effective date of the City's zoning regulations; and

**WHEREAS** the current non-conforming regulations only allow the restoration or reconstruction of non-conforming uses so long as the long as the damage does not exceed 60% or more of the current market value of the structure; and

**WHEREAS** there is an exception for owner-occupied, one story structures in the Town Center zone that allows the restoration or reconstruction of owner occupied single story homes in the Town Center zone, regardless of the degree of damage; and

**WHEREAS** staff estimates that there are ***at least*** 25 – 30 legal non-conforming residential uses throughout the City; and

**WHEREAS** the inability to rebuild these non-conforming uses (residences) that are damaged more than 60% of the current market value of the structure could pose a financial hardship not only on the owner's but for the lenders as well; and

**WHEREAS** the City's Housing Element contains policies that encourage the maintenance, enhancement and improvement of the City's housing stock; and

**WHEREAS** another issue related to non-conforming uses that has been brought to staff's attention relates to a property owner's ability to do ordinary repairs and maintenance; and

**WHEREAS** the current non-conforming provisions, Section 17.30.160(5), limit the maintenance and repairs to no more than 25% of the actual value of the structure in any one year; and

**WHEREAS** with the exception of the City of Ferndale, all other local jurisdictions allow the maintenance and repair of non-conforming uses and structures without limitation; and

**WHEREAS** the use (for example residential uses in commercial zones), may be non-conforming, the structure itself could be used for future commercial uses; and

**WHEREAS** many times former residences are converted to office uses and to discourage the maintenance and repairs to existing buildings is not in the best interest of the City

**WHEREAS** the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and processed the proposed amendments in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the General Plan and any implementation programs that may be affected; and

**WHEREAS** the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The proposed amendments are Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City Council of the City of Rio Dell does hereby ordain as follows:

**Section 1.** The Non-Conforming Regulations, Section 17.30.160 of the Rio Dell Municipal Code is hereby amended as follows:

**17.30.160 Nonconforming uses.**

The lawful use of lands or buildings existing on the effective date of the application of these regulations to the subject property, although such use does not conform to the regulation applied to such subject property, may be continued, except as provided herein.

(1) No such use or building shall be enlarged, increased or structurally altered, nor be extended to occupy a greater area than that existing on the effective date of the application of these regulations to the subject property, except as follows:

(a) A nonconforming building may be enlarged, increased or structurally altered where (i) such building modification is required for reason of public health or safety, or (ii) where such modification will not increase the degree of nonconformance of the subject building with respect to the height and area regulations of the zone in which it is located.

(2) Any use for which a use permit is required by these regulations shall be considered a nonconforming use until a use permit is obtained.

(3) If 60 percent or more of the market value of any such land or building is destroyed, as determined by the building official, then the property shall become subject to the zoning regulations applicable to the principal zone, and any subsequent use or buildings shall be in accordance with such regulations, with the following exception:

~~(a) An existing owner-occupied one-story structure in the town center zone may be restored to its original condition or may be expanded within lot setbacks.~~

(a) A nonconforming owner-occupied residence that is destroyed or damaged by any casualty, may be restored within two (2) years after such destruction or damage but shall not be enlarged except as provided in Section 17.30.160(1)(a) of this Code.

(4) Any interruption of a nonconforming use, or the use of a nonconforming building, which continues for 12 months or more shall be deemed to be an abandonment of such

use, and subsequent use of buildings shall be in accordance with the regulations applicable to the subject property.

~~(5) Ordinary maintenance and repair may be made to any nonconforming use or building; provided, that such maintenance and repair does not exceed 25 percent of the actual value in any one year.~~

(5) Ordinary maintenance and repair may be made to a nonconforming structure or a structure in which a nonconforming use is conducted.

(6) Any use coming within the provisions of RDMC 17.30.050, concerning domestic animals appurtenant to residential uses, shall, after the expiration of 18 months from the effective date of the ordinance codified in this section, conform to the provisions of RDMC 17.30.050. [Ord. 252 § 7.60, 2004.]

## **Section 2. Severability**

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

## **Section 3. Limitation of Actions**

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

## **Section 4. CEQA Compliance**

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), subject to Section 15061 of the CEQA Guidelines. Due to the nature of the proposed code revisions, there is no evidence that any impact to the environment would occur as a result of adoption of the Ordinance.

## **Section 5. Effective Date**

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on June 4, 2013 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 18<sup>th</sup> of June 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 301-2013 adopted by the City Council of the City of Rio Dell on June 18, 2013.

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Karen Dunham  
City Clerk, City of Rio Dell